

**AN ORDINANCE
BY COUNCILMEMBER CLAIR MULLER
AS SUBSTITUTED BY THE CITY UTILITIES COMMITTEE**

**AN ORDINANCE TO AMEND CHAPTER 130 OF THE CODE OF
ORDINANCES OF THE CITY OF ATLANTA TO PROVIDE MORE
EFFECTIVE STANDARDS AND REGULATIONS TO BETTER MANAGE
SOLID WASTE WITHIN THE LIMITS OF THE CITY; AND FOR
OTHER PURPOSES.**

WHEREAS, it is the stated policy of the City of Atlanta to protect the health, safety and welfare of its residents; and

WHEREAS, an effective Solid Waste Management Program is a necessary component of this policy; and

WHEREAS, effective and explicit laws and standards are necessary to ensure the proper management of solid waste within the city; and

WHEREAS, the City of Atlanta has not undertaken a comprehensive analysis of the Solid Waste code in nearly twenty years; and

WHEREAS, the City of Atlanta faces numerous problems associated with solid waste collection and management within the city; and

WHEREAS, the amount of bulk items, bulk yard waste and rubbish on streets and sidewalks throughout the City continues to grow; and

WHEREAS, the prevalence of bulk items, bulk yard waste and rubbish throughout the City threatens the continued safety, health, peace, and general welfare of the City and its inhabitants; and

WHEREAS, the continued presence of bulk items, bulk yard waste and rubbish on the City's streets promotes a negative image of the City of Atlanta to its residents and visitors; and

WHEREAS, the City must ensure that bulk items and rubbish containing or contaminated by hazardous materials are properly disposed of; and

WHEREAS, many of these items are improperly or illegally dumped, thrown, placed or otherwise deposited; and

WHEREAS, the amount of illegally dumped, discarded and deposited waste on streets and sidewalks throughout the City continues to grow; and

WHEREAS, the prevalence of illegally dumped, discarded and deposited waste throughout the City threatens the continued safety, health, peace, and general welfare of the City and its inhabitants; and

WHEREAS, the continued presence of illegally dumped, discarded and deposited waste on the City's streets promotes a negative image of the City of Atlanta to its residents and visitors; and

WHEREAS, the City of Atlanta must create penalties that will increasingly discourage illegal dumping or negative diversion; and

WHEREAS, the City of Atlanta must not only create increased penalties but also work to enforce them; and

WHEREAS, the City of Atlanta must implement procedures that will ensure household hazardous materials are disposed of properly as a necessary component of a responsible Solid Waste Management program; and

WHEREAS, these problems represent a very real threat to the health, safety and welfare of the residents of the City of Atlanta; and

WHEREAS, the State of Georgia has established a 25% waste reduction disposal goal; and

WHEREAS, Environmental Protection Agency studies have shown that up to 25% of all households' waste is yard trimmings and food scraps that can be composted; and

WHEREAS, the City of Atlanta has complied with a state law banning yard trimmings from landfills by providing a separate collection program for yard waste as a part of its Solid Waste Management system; and

WHEREAS, the current flat rate billing provides no incentive for residents to reduce the volume of yard waste they produce; and

WHEREAS, the current flat rate billing for yard waste collection falls short of a fully equitable means of providing this service; and

WHEREAS, the City of Atlanta would like to provide the opportunity to reduce the cost for yard waste disposal to the property owner by developing a volume-based/incentive billing option; and

WHEREAS, the current flat rate provides no financial benefit for citizens working to reduce the volume of yard waste they produce; and

WHEREAS, by providing a volume-based/incentive option, property owners would have the opportunity to pay based on the volume of yard waste they dispose of; and

WHEREAS, the City of Atlanta and its citizens will benefit from this program which eliminates charges for the collection of yard waste from the sanitary services bill; and

WHEREAS, the costs of this program will be recovered in the price of the disposal containers; and

WHEREAS, this program will allow a household to reduce its periodic charges by backyard composting and using other means to reduce the volume of yard waste they produce; and

WHEREAS, the City of Atlanta must take immediate measures to provide for proper solid waste management within the city as an essential step in protecting the health, safety and welfare of its residents and the environment of the city; and

WHEREAS, the City of Atlanta must implement improved means to better recover costs to the city associated with the delivery of services through the Solid Waste Management system of the city; and

WHEREAS, the city must implement an equitable system of fees and charges related to services of the Solid Waste Management system of the city.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ATLANTA, as follows:

SECTION 1: That Chapter 130 be repealed in its entirety, and be replaced with the following:

Chapter 130
SOLID WASTE MANAGEMENT

ARTICLE I. IN GENERAL

Section 130-1. Statement of purpose and definitions.

(a) Statement of purpose.

- (1) It is the stated policy of the City of Atlanta to protect the health, safety and welfare of its residents. Furthermore, the City of Atlanta recognizes the

environmental protection as a right of the people living within the city. So that the objectives of these policies might be achieved, it is also essential to take necessary measures to preserve and protect the environment of the city for its inhabitants.

- (2) Therefore, it is declared to be the purpose of this chapter to provide an effective solid waste management program within the City to better protect and promote the health, safety and general welfare of City of Atlanta and its residents. Furthermore, the City of Atlanta must work to maintain an effective solid waste management program to ensure that the City of Atlanta remains an effective steward of the environment and its natural resources.

- (b) *Definitions.* The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Brown goods means any appliances including but not limited to electronic equipment such as stereos, televisions, computers, and VCRs and other similar items.

Building of public worship means any lot upon which is located one or more buildings used for the purpose of public worship.

Bulk yard waste means oversized yard wastes such as tree trunks and branches exceeding two (2) feet in diameter and four (4) feet in length that are biodegradable.

Bulky items means discarded non-putrescible waste of a size and form which cannot be easily deposited in, or removed by city personnel from, containers provided by the city for the disposal and collection of solid waste from residences, including but not limited to the following items: furniture; carpets; mattresses; clothing; and tires. Bulky items does not include any motor vehicle or any subassembly, component or part thereof (except tires).

Collector means a person who, under verbal or written agreements, with or without compensation, does the work of collecting and transporting solid waste, from industries, offices, retail outlets, businesses, institutions and similar locations or from residential dwellings; provided, however, that this definition shall not include an individual collecting and transporting waste from such individual's own single-family dwelling unit.

Commercial and industrial property means any lot that is used wholly or predominantly, according to the total square footage of building structure on all stories devoted to a particular use, for business, commercial or industrial purposes or for the purposes of boardinghouses or mobile home parks and any other lot which is excluded from any other categories set forth in this section or the definitions contained in this section.

Commercial waste means waste materials generated in commercial operations.

Commissioner means the commissioner of public works or any duly authorized assistant, agent or representative of the commissioner.

Compostable waste means any organic waste materials that are source separated for processing or composting, such as yard waste and food waste.

Construction and demolition waste

- A. *Construction and demolition waste* means waste building materials and rubble generally resulting from construction, remodeling, repair and demolition of buildings and pavements, including but not limited to processed wood, metal, bricks, concrete, wallboard, paper and cardboard.
- B. *Construction and demolition waste* does not include materials and rubble resulting from construction, remodeling, repair and demolition of buildings and pavements, that contain or have been contaminated by hazardous materials which must be handled and disposed of separately.

Disposal facility means any facility or location where any treatment, utilization, processing or disposition of solid waste occurs.

Disposal operation means the performance of solid waste disposal and includes administration, personnel, land, equipment, design and other elements necessary or used in the work of solid waste disposal.

Disposal site means the location or land area where the final disposition of solid waste occurs.

Extra garbage means garbage set out for disposal as overflow to a customer's regular container service.

Garbage

- A. *Garbage* means putrescible wastes including kitchen and table food wastes; animal or vegetable wastes resulting from the storage, preparation, cooking, processing or handling of foodstuffs; nonputrescible wastes that are mixed in the same container with or contaminated by putrescible wastes; small dead animals not exceeding five pounds in weight; and any putrefactive or easily decomposable waste material that is likely to attract flies, vermin, birds or rodents.
- B. *Garbage* does not include materials that are separated and set aside for recycling or composting and does not include hazardous material, household hazardous material, or sewage or sewage sludge or human or animal excrement or yardwaste.

Generator means any person or business responsible for the creation, generation or production of solid waste upon any premises.

Hazardous material as defined in Section 1004(5) of the Resource Conservation and Recovery Act of 1976 (RCRA), means a solid waste, or combination of solid wastes, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may: 1) cause, or contribute to an increase in mortality or an increase in serious irreversible, or incapacitating reversible illness; or 2) pose a substantial present or potential hazard to human health or to the environment when improperly treated, stored, transported, or disposed of, or otherwise managed. The owner or operator of a facility which treats, stores, manages, or disposes of such materials is required by Section 312 of the Emergency Planning and Community Right-To-Know Act (EPCRA) to submit an emergency and hazardous chemical inventory form to the State and to the Local Emergency Planning Commission, and is required to submit a MSDS per RCRA. Hazardous material includes all household hazardous materials in volumes of fifteen (15) gallons or greater.

Hazardous material disposal facility means any facility where final disposal of any hazardous material occurs, including any facility classified Subtitle C under Title 40 of the Code of Federal Regulations (CFR).

Household hazardous materials means any discarded liquid, solid, contained gas, or sludge, including any material, substance, product, commodity or waste used or generated in the household or similar source that is either ignitable, corrosive, reactive or toxic, in volumes under fifteen (15) gallons. Household hazardous materials also includes any item, product or material containing or contaminated by any household hazardous material.

Incinerator means any device intended or used for the reduction or destruction of solid waste by burning.

Industrial waste means waste materials generated in industrial operations.

Landfill means a method of disposing of solid wastes, other than putrescible wastes or hazardous wastes, on land by placing an earth cover thereon.

Litter means uncontrolled or uncontainerized solid waste.

Multi-family dwelling means any permanent premises on a single parcel of land designed for or occupied by more than four (4) residential dwelling units where the residential units do not receive separate or individual solid waste collection service.

Nuisance means any improper deposit or disposal of refuse as defined in this section.

Private contractor means any business or person operating under a contract for the collection and removal of solid waste from any multi-family residential, commercial, or industrial premises within the city.

Producer means any person or business responsible for the production or generation of solid waste.

Putrescible wastes means wastes that are capable of being decomposed by microorganisms. Examples of putrescible wastes include but are not necessarily limited to kitchen wastes, animal manure, offal, hatchery and poultry processing plant wastes and garbage.

Residence means any lot that is used exclusively for residential purposes, but not lots upon which are located licensed hotels or motels or apartments.

Rubbish means all uncontainerized, discarded, nonputrescible waste matter excluding yard waste that cannot be easily deposited in, or removed by city personnel from containers provided by the city for disposal and collection of solid waste from residences.

Salvage means a controlled method of sorting and storing solid wastes for future use as approved by the commissioner.

Sanitary landfill means a method of disposing of putrescible waste and hazardous waste on land by placing an earth cover thereon.

Scavenging means uncontrolled picking from discarded solid waste materials.

Single-family dwelling means any permanent premises used for or designated as a single-family residential dwelling. Single-family dwelling includes each part of a condominium project, duplex, triplex, townhouse project or apartment building which has been approved by the director of Solid Waste Services for separate or individual solid waste collection service.

Solid waste means putrescible and nonputrescible wastes, except water-carried body waste, and includes garbage, rubbish, ashes, street refuse, dead animals, sewage sludges, animal manures, industrial wastes, residue from incineration, food processing wastes, abandoned automobiles, dredging wastes, demolition wastes, construction wastes, hazardous wastes and any other waste material in a solid or semisolid state not otherwise defined, including reusable or recyclable material.

Solid waste handling means the storage, collection, transportation, treatment, utilization, processing or disposing of solid wastes or any combination thereof.

Special pickup means a pickup of bulky items, bulk material or extra garbage requested by the customer at a time other than the regularly scheduled service time, which involves the dispatch of a truck.

Transfer station means a supplemental transportation facility used to transfer solid waste or facilitate the transfer of solid waste from one transportation vehicle to another for transportation to another facility for further processing or disposal.

Transporter means any person or business moving, relocating or transporting any solid waste upon the public streets, highways and public right-of-way within the city.

Trash means nonputrescible solid waste, of a size and form which can be easily deposited in, and removed by city personnel from, containers provided by the city for the disposal and collection of solid waste from residences, and which includes paper, cardboard, small metal items or containers and packaging materials, and similar items normally accumulated in the care and maintenance of residential or commercial property.

Vegetative overgrowth means any and all uncultivated vegetative growth exceeding a height of 18 inches, as measured vertically from the surface of the ground, and covering a continuous area of 400 square feet or 25 percent, whichever is less, of that portion of any lot, tract or parcel of land which is not occupied by buildings, other structures or trees.

Weeds means all rank, vegetative growth, including kudzu, poison ivy, plants of obnoxious odors, weeds and grasses causing hay fever or those which serve as a breeding place for mosquitoes and other unhealthy or undesirable insects or as a refuge for snakes, rats or other rodents or as a hiding place for filth, litter or trash or that create a fire or traffic hazard or provide a hiding place for persons.

White goods means household appliances including but not limited to refrigerators, ranges, washers, dryers, water heaters, and dishwashers and other similar items.

Yard waste means plant material (leaves, grass clippings, branches, brush, flowers, roots, wood waste, etc.); debris commonly thrown away in the course of maintaining yards and gardens, including sod and rocks not over four (4) inches in diameter; and biodegradable or compostable waste approved for the yard waste programs. It excludes loose soils; food waste; plastics and synthetic fibers; lumber; any wood or tree limbs over four (4) inches in diameter or three (3) feet in length; human or animal excrement; soil contaminated with hazardous materials; and all matter resulting from landscaping development and maintenance by a professional contractor.

Section 130-2. Maintenance and inspection of property.

- (a) *Required.* Every person owning or occupying public or private property in the city shall maintain the property free of any condition which may render the premises or

property to be unhealthy, unsanitary, unsightly or unaesthetic to the occupants thereof, the neighborhood or the community at large.

- (b) *Conditions in violation.* Because they are deemed to be conducive to breeding or harboring of harmful germs or to the breeding or harboring of insects, snakes, rodents, lizards or similar or undesirable living pests and carriers of harmful germs or poisons or to the harboring of undesirable persons or illicit activities and are in violation of the general public health, safety, welfare and well-being, the existence of any one of the following conditions on property within the city shall be in violation of this section and this Code:

- (1) Uncontainerized garbage or uncovered garbage containers of all kinds and types.
- (2) Trapped litter or any other improperly containerized solid waste.
- (3) Exterior storage of solid waste or other unsightly materials.
- (4) The existence of weeds and vegetative overgrowth.
- (5) The existence, storage or accumulation of garbage, hazardous, putrescible solid waste or rubbish.

- (c) *Inspection of premises.* The commissioner of public works or any duly authorized agent of the department of public works or other city departments may enter on and inspect any and all public and private property in the city to determine by inspection that those properties are or are not free of any condition which may be in violation of this section or chapter. For the purpose of this duty, the sanitation code enforcement officer, including code enforcement officers, route supervisors, assistant sanitary area supervisors, sanitary area supervisors or subsequent classification titles performing the same duties, is clothed with police powers and shall be designated a special officer of the city.

- (d) *Notice of unsanitary conditions.* Upon the determination through inspection by the commissioner of public works or any duly authorized agent of the department of public works or any other duly authorized agent of the city that any property within the city is in violation of this section, the commissioner shall give written notice to the owner or agent of the owner of the property of the condition found. Such notice shall set forth the condition of the property, the specific violation of this section and the Code and the remedial action to be taken. The notice to the owner or agent shall include a time certain in which the nuisance is to be abated, but not more than ten days from date of receipt of the notice by the owner or agent. All notices shall be sent by personal service or sent by registered or certified mail, return receipt requested, to the last known address as listed in the official tax register of the county or records of the secretary of state. Upon failure of the owner or agent to abate the violation cited within the time set forth in the notice, the property owner or agent shall be held accountable for violating this Code, as provided in section 1-8, and the nuisance shall be processed and abated in accordance with section 74-161 et seq.

Section 130-3. Deposit of solid waste on streets and sidewalks.

- (a) *Generally.* No person shall deposit in any street or other public place in the city any solid waste of any type; provided, however, that earth and rubbish or building debris caused by construction may be allowed to lie in those places subject to permit by the Department of Public Works. In compliance with this section, it shall be lawful to place bulk yard waste, such as branches and similar matter, in the parkway between the sidewalk and the curbstone, provided the debris does not extend over the sidewalk so as to block pedestrian traffic or fall into or extend over the street so as to block pedestrian traffic or fall into or extend over the street so as to hinder vehicular traffic or make it difficult to use motor-driven sweepers.
- (b) *Tree services.* All persons engaged in the business of trimming or removing trees, shrubbery or similar growth shall not allow any sawdust, branches, stumps and all portions of the byproduct generated by any tree service to accumulate on any adjacent public way and shall remove all debris from the public way at least once a day. Such persons or businesses shall transport, remove and dispose of the debris in conformity with the requirements of this code and in a manner that does not cause any debris to be washed, drained, discarded or otherwise allowed to flow into the city sewer system.
- (c) *Landscaping, nurseries or yard maintenance services.* All persons engaged in the business of landscaping, nurseries or yard maintenance and who shall contract with a property owner, the owner's agent or the occupant to improve the property, trim or remove shrubbery and trees or maintain yards shall remove from the property all solid waste and rubbish, including rocks, dirt, glass, trimmings and other byproducts generated by such service. Such persons or businesses shall transport, remove and dispose of the debris in conformity with the requirements of this code and in a manner that does not cause or allow any debris to be washed, drained, discarded or otherwise allowed to flow into the city sewer system.
- (d) *Construction and demolition waste.* All persons engaged in the business of construction or demolition who shall contract with a property owner, the owner's agent or the occupant to improve the property shall remove from the property all solid waste and other byproducts generated by such service. Such person or businesses shall transport, remove and dispose of the debris in conformity with any requirements of the State of Georgia, and the requirements of this code and in a manner that does not cause or allow any debris to be washed, drained, discarded or otherwise allowed to flow into the city sewer system.
- (e) *Penalties.* Any person, business or commercial entity violating this section or allowing any person or persons under their control or authority to violate this section, shall be subject to the fines and penalties as follows.
- (1) *First offense.* Upon conviction, a fine not less than \$250.00 and not more than \$750.00, and a probationary period not to exceed ninety (90) days with a minimum period of confinement in the city jail not to exceed fifteen (15) days.

- (2) *Second offense.* Upon conviction, a fine not less than \$500.00 and not more than \$1000.00, and a probationary period not to exceed 180 days with a minimum period of confinement in the city jail not to exceed thirty (30) days.
- (3) *Third offense.* Upon conviction, a fine of \$1000.00 and a probationary period not to exceed 180 days with a minimum period of confinement in the city jail not to exceed six (6) months.
- (f) *Businesses and commercial entities.* Any business license issued by the city to any business or person who violates this section or allows any person under their control or authority to violate this section two (2) or more times within any five (5) year period shall be subject to revocation if the violation occurred in the course of the business for which the license was issued.
- (g) *Businesses with contracts with the city.* In addition to any other penalty imposed under this chapter, if any person or business performing work under any contract with the city is found guilty of violating this section, the city may terminate the contract by giving written notice of the termination to the person or business. The contract shall be null and void upon delivery of such notice.
- (h) *Recovery of costs.* In addition to the other penalties provided in this section, any person shall be liable to the city for the total amount of all costs and expenses incurred by the city in abating a nuisance.
- (i) *Damage to the public right-of-way.* If the public right-of-way is damaged during the removal of any solid waste, such person, business or commercial entity shall restore the public right-of-way to the condition that it was in before the damage occurred or shall pay the city in full for any costs and expenses which the city incurs in connection with the performance of that work.
- (j) *Publication of names.* The court may publish the names of persons convicted of a violation of this Code section
- (k) *Enforcement.* This section shall be enforced by the police, the commissioner of public works and his designee, and by other authorized and sworn city personnel.
- (l) *Each day a separate offense.* Each day that a violation continues shall constitute a separate and distinct offense.

Section 130-4. Cleanliness of sidewalks.

It shall be the duty of all occupants and owners of property and owners of vacant property, in front of which the sidewalk area is paved or unpaved, to keep that area clean and to do such sweeping and scraping and cutting of grass or weeds and watering, pruning and maintaining planted material and planters as may be necessary to remove clay, dirt and trash therefrom and to render it passable, comfortable and sightly.

Section 130-5. Decaying animal matter.

- (a) It shall be unlawful for any person having the ownership or control of any animal matter within the city which is in process of decay so as to be offensive or dangerous to the public health and welfare to permit the same to remain within the city, while in such condition, more than twelve (12) hours after such animal matter shall have come into such offensive or dangerous condition, whether it be at an establishment for the rendering or changing the character thereof or not.
- (b) It shall be unlawful for any person to dispose of any decaying animal matter through the curbside collection program of the city.
- (c) Any person violating any provision of this section shall be fined not less than \$25.00 and not more than \$1000.00 for each offense. Every day on which such violation shall continue shall be deemed a separate and distinct offense.

Section 130-6. Throwing, depositing, or disposing of garbage, trash, yard waste or other solid waste upon streets, sidewalks, public places, public property and public rights-of-way.

- (a) *Prohibited conduct.* It shall be unlawful for any person to:
 - (1) Throw, deposit or discard debris, uncontainerized garbage, litter, trash, solid waste or uncontainerized yard waste upon the streets, sidewalks, public places, public property and public rights-of-way within the city.
 - (2) Place, throw, deposit or discard nails, tacks, glass or any similar substance, object or objects which would be likely to injure the feet of persons or animals or cut, puncture or otherwise damage tires or vehicles, upon the streets, sidewalks, public places, public property and public rights-of-way within the city.
- (b) *Penalties.* Penalties for any person violating this section shall be as follows:
 - (1) Where the volume of debris, garbage, litter, trash, solid waste or yard waste discarded is less than fifteen (15) gallons, a conviction for violation of this section shall subject the violator to penalties as provided below:
 - a. *First offense.* A fine not less than \$50.00 or community service not to exceed twenty (20) hours, or both.
 - b. *Second offense.* A fine not less than \$75.00 or community service not to exceed fifty (50) hours, or both.
 - c. *Third offense.* A fine not less than \$100.00 or community service not to exceed one-hundred (100) hours, or both.

In addition to the above penalties, the violator may be required to pick up and remove from any public street or highways, or any public right-of-way in the

City of Atlanta for a distance of twenty-five (25) meters in either direction from the site of the infraction any debris, garbage, litter, trash, solid waste or yard waste including but not limited to materials thrown or deposited by violator.

- (2) Where the volume of debris, garbage, litter, trash, solid waste or yard waste discarded is fifteen (15) gallons or greater, a conviction for violation of this section shall subject the violator to the following mandatory penalties:
- a. *First offense.* A fine not less than \$250.00 and not more than \$500.00, and a probationary period of 180 days with a minimum period of confinement in the city jail not to exceed thirty (30) days.
 - b. *Second offense.* A fine not less than \$500.00 and not more than \$1,000.00, and a probationary period of 180 days with a minimum period of confinement in the city jail not to exceed sixty (60) days.
 - c. *Third offense.* A fine of \$1000.00, and a probationary period of one (1) year with a minimum period of confinement in the city jail not to exceed six (6) months, or both.

In addition to the penalties above, the violator must be directed to pick up and remove from any public park, private right-of-way or, with the prior permission of the legal owner or tenant in lawful possession of such property, any private property upon which it can be established by competent evidence that the violator has discarded debris, garbage, litter, rubbish, trash, solid waste or yard waste, any and all such material deposited or dumped thereon by anyone else prior to the date of the execution of sentence.

- (b) *Recovery of costs.* In addition to the other penalties provided in this section, any person found in violation of this section shall be liable to the city for the total amount of all costs and expenses incurred by the city in abating a nuisance caused by a violation of this section.
- (c) *Businesses and commercial entities.* Any business license issued by the city to any business or person who violates this section or allows any person under its control or authority to violate this section two (2) or more times within any five (5) year period shall be subject to revocation if the violation occurred in the course of the business for which the license was issued.
- (d) *Businesses with contracts with the City.* In addition to any other penalty imposed under this chapter, if any person or business performing work under any contract with the city is found guilty of violating this section, the city may terminate the contract by giving written notice of the termination to the person or business. The contract shall be null and void upon delivery of such notice.
- (e) *Impounding of motor vehicles.*

- (1) A motor vehicle that is used in the violation of this section shall be subject to seizure and impoundment under this subsection. The owner of record of such vehicle shall be liable to the city for an administrative penalty of \$300.00 in addition to fees for the towing and storage of the vehicle and in addition to any other penalties imposed under this section.
- (2) Whenever a police officer has probable cause to believe that a vehicle is subject to seizure and impoundment pursuant to this section, the police officer shall provide for the towing of the vehicle to a facility controlled by the city or its agents. When the vehicle is towed, the police officer shall notify the person who is found to be in control of the vehicle at the time of the alleged violation, if there is such a person, of the fact of the seizure and of the vehicle owner's right to request a preliminary hearing.
- (f) *Enforcement.* This section shall be enforced by the police, the commissioner of public works and his designee, and by other authorized and sworn city personnel.
- (g) *Publication of names.* The court may publish the names of persons convicted of a violation of this Code section.
- (h) *Signs in rights-of-way.* The commissioner of public works or his designee shall be responsible for installing "No Littering" signage within the right-of-way as deemed appropriate. These signs shall be highly visible and placed strategically throughout the entire city.

Section 130-7. Disposal of garbage and refuse on vacant lots; uncontainerized garbage on private property.

- (a) *Garbage on private property.* It shall be unlawful for any owner within the city to have upon the owner's property any containerized or uncontainerized garbage, trash or other materials or substances which may catch and retain rainwater or anything which will furnish food for or attract or harbor rats or which will attract flies or breed mosquitoes or otherwise become a fire hazard or health menace.
- (b) It shall be unlawful for any person to dump, deposit or otherwise place, or allow to be dumped, deposited or otherwise placed on any public or private property within the city, with or without the consent of the owner or the owner's agent, any solid waste that is not prepared and placed according to the provisions of this code, unless otherwise permitted according to the provisions of section 130-63.
- (c) *Penalties.*
 - (1) Violation of subsections (b) and (d) of this section will be subject to the penalties as provided below:
 - a. *First offense.* A fine not less than \$100.00 and not more than \$250.00 or community service not to exceed twenty (20) hours, or both.

- b. *Second offense.* A fine not less than \$500.00 and not more than \$1000.00 or community service not to exceed fifty (50) hours, or both.
 - c. *Third offense.* A fine of \$1,000.00, and a probationary period not to exceed one (1) year with a minimum period of confinement in the city jail not to exceed thirty (30) days.
- (2) Where the volume of trash, garbage, solid waste, yard waste or other materials is less than twenty (20) gallons, the violation of subsection (c) of this section shall subject the violator to mandatory penalties as follows:
 - a. *First offense.* A fine not less than \$250.00 or community service not to exceed twenty (20) hours, or both.
 - b. *Second offense.* A fine not less than \$500.00, and a probationary period not to exceed thirty (30) days with a minimum period of community service not to exceed fifty (50) hours.
 - c. *Third offense.* A fine of \$1,000.00, and a probationary period not to exceed six (6) months with a minimum period community service not to exceed one-hundred (100) hours.
- (3) Where the volume of trash, garbage, solid waste, yard waste or other materials is twenty (20) gallons or greater, the violation of subsection (c) shall subject the violator to mandatory penalties as follows:
 - a. *First offense.* A fine not less than \$500.00 and not more than \$750.00, and a probationary period of six (6) months and a minimum period of confinement in the city jail not to exceed thirty (30) days.
 - b. *Second offense.* A fine not less than \$750.00 and not more than \$1,000.00, and a probationary period of six (6) months and a minimum period of confinement in the city jail not to exceed sixty (60) days.
 - c. *Third offense.* A fine not less than \$1000.00, and a probationary period of one (1) year with a minimum period of confinement in the city jail not to exceed six (6) months.
- (d) *Additional penalties.* In addition to the penalties prescribed in subsection (e) of this section, the following penalties may be imposed:
 - (1) *First offense.* The violator may be directed to pick up and remove from any public street or highway or any public right-of-way for a distance not to exceed 800 meters any litter the violator has deposited thereon and any and all litter deposited thereon by anyone else prior to the date of execution of sentence.
 - (2) *Second offense.* The violator may be directed to pick up and remove from any public street or highway or any public right-of-way for a distance not to exceed one mile any and all litter the violator has deposited thereon and any and all litter deposited thereon by anyone else prior to the date of execution of sentence.
 - (3) *Third offense.* The violator may be directed to pick up and remove from any public park, private right-of-way or, with the prior permission of the legal owner

or tenant in lawful possession of such property, any private property, upon which it can be established by competent evidence that the violator has deposited or dumped litter, any and all litter deposited or dumped thereon by anyone prior to the date of the execution of sentence.

- (4) *Recovery of costs.* In addition to the other penalties provided in this section, any person found in violation of this section shall be liable to the city for the total amount of all costs and expenses incurred by the city in abating a nuisance.
- (5) *Businesses and commercial entities.* In addition to any other penalty imposed under this chapter, if any person or business performing work under any contract with the city is found guilty of violating this section, the city may terminate the contract by giving written notice of the termination to the person or business. The contract shall be null and void upon delivery of such notice. Any business license issued by the city to any business or person who violates this section or allows any person under its control or authority to violate this section two (2) or more times within any five (5) year period shall be subject to revocation if the violation occurred in the course of the business for which the license was issued.
- (6) *Impounding of motor vehicles.*
 - a. A motor vehicle that is used in the violation of this section shall be subject to seizure and impoundment under this subsection. The owner of record of such vehicle shall be liable to the city for an administrative penalty of \$300.00 in addition to fees for the towing and storage of the vehicle and in addition to any other penalties imposed under this section.
 - b. Whenever a police officer has probable cause to believe that a vehicle is subject to seizure and impoundment pursuant to this section, the police officer shall provide for the towing of the vehicle to a facility controlled by the city or its agents. When the vehicle is towed, the police officer shall notify the person who is found to be in control of the vehicle at the time of the alleged violation, if there is such a person, of the fact of the seizure and of the vehicle owner's right to request a preliminary hearing.
- (7) *Enforcement.* This section shall be enforced by the commissioner of Public Works or his designee, police and by other authorized and sworn city personnel.
- (8) *Publication of names.* The court may publish the names of persons convicted of a violation of this code section.

Section 130-8. Transporting garbage, trash and other waste material in open vehicles.

- (a) It shall be unlawful for any person to operate or cause to be operated upon any public street in the city any open truck, wagon or other vehicle in and upon which garbage, trash, manure, waste material or other debris is transported, unless the vehicle shall be equipped with a cover that will prevent the garbage, trash, waste material and other debris from falling from the truck onto the streets of the city.

(b) *Penalties.* The penalties for any violation of this section shall be as follows:

- (1) Operating any such vehicle on a public street within the city without appropriate covers, or spill prevention and capture devices in place is a violation of this code and is punishable by a fine not less than \$250.00, but not more than \$1,000.00 per occurrence, or a period of confinement in the city jail not to exceed thirty (30) days with a probationary period of 180 days, or both at the discretion of the trial judge.
- (2) In the event that spillage does occur in spite of the appropriate use of said devices, the person responsible for the operation of the vehicle shall take immediate action to remove the material from the street or sidewalk. Shoveling, sweeping, or vacuuming the material and removing it from the roadway is an appropriate response. Failure to properly remove spilled material from a public street or sidewalk, or washing spilled material into any storm sewer, sanitary sewer, catch-basin, manholes, or other drainage-way is not an acceptable response, and is a violation of City Code and is punishable by a fine of \$1,000.00 per occurrence, or a period of confinement in the city jail not to exceed six (6) months with a probationary period of one (1) year, or both at the discretion of the trial judge.
- (3) Implementation of this section does not reduce liability under any other applicable state of federal law, rule, or requirement.

- (4) *Enforcement.* The police, the commissioner of public works, and the commissioner of the Department of Watershed Management are authorized to enforce this section.

Section 130-9. Spills from vehicles; concrete, cement, gravel, sand, dirt, and asphalt hauling.

- (a) Any person engaged in hauling concrete, cement, gravel, sand, dirt, or asphalt on any public street within the corporate limits of the city shall load or fill vehicles so as to not allow spillage of any material onto the city streets or sidewalks. All vehicles hauling wet concrete, cement or loose material, are required to use suitable covers, spill prevention and capture devices to prevent materials from blowing, spilling, or dripping from the vehicle.

(b) *Penalties.* The penalties for any violation of this section shall be as follows:

- (1) Operating any such vehicle on a public street within the city without appropriate covers, or spill prevention and capture devices in place is a violation of this code and is punishable by a fine not less than \$250.00, but not more than \$1,000.00 per occurrence, or a period of confinement in the city jail not to exceed thirty (30) days with a probationary period of 180 days, or both at the discretion of the trial judge.
- (2) In the event that spillage does occur in spite of the appropriate use of said devices, the person responsible for the operation of the vehicle shall remove the material from the street or sidewalk. Shoveling, sweeping, or vacuuming the material and

- removing it from the roadway is an appropriate response. Failure to properly remove spilled material from a public street or sidewalk, or washing spilled material into any storm sewer, sanitary sewer, catch-basin, manholes, or other drainage-way is not an acceptable response, and is a violation of City Code and is punishable by a fine of \$1,000.00 per occurrence, or a period of confinement in the city jail not to exceed six (6) months with a probationary period of one (1) year, or both at the discretion of the trial judge.
- (3) Implementation of this section does not reduce liability under any other applicable state of federal law, rule, or requirement.
 - (4) *Enforcement.* The police, the commissioner of public works, and the commissioner of the Department of Watershed Management are authorized to enforce this section.

Section 130-10. Hazardous materials.

(a) *Prohibited conduct.*

- (1) No person shall dispose of any hazardous materials at any of the solid waste disposal facilities or transfer stations within the limits of the city.
- (2) No person shall store or accumulate any hazardous materials in any container used for storage or accumulation of garbage, rubbish, recyclables materials, or other solid wastes.
- (3) No person shall store or accumulate any hazardous materials in any container not designed, intended or permitted for storage or accumulation of hazardous materials.
- (4) No person shall deposit or discard on any public or private property any type or kind of hazardous material within the city.

(b) *Penalties.* Penalties for any person violating this section shall be as follows:

- (1) *First offense.* A fine not less than \$500.00 and not more than \$1,000.00 or imprisonment not to exceed sixty (60) days, or both.
- (2) *Second offense.* A fine not less than \$750.00 and not more than \$1,000.00 or imprisonment not to exceed ninety (90) days, or both.
- (3) *Third offense.* A fine of \$1,000.00 or imprisonment not to exceed six (6) months, or both.

(c) *Recovery of costs.* In addition to the other penalties provided in this section, any person, business or commercial entity found in violation of this section shall be liable to the city for the total amount of all costs and expenses incurred by the city in abating a nuisance in violation of this section.

(d) *Businesses and commercial entities.* Any business license issued by the city to any business or person who violates this section or allows any person under its control or authority to violate this section two (2) or more times within any five (5) year period

shall be subject to revocation if the violation occurred in the course of the business for which the license was issued.

- (e) *Businesses with contracts with the City.* In addition to any other penalty imposed under this chapter, if any person or business performing work under any contract with the city is found guilty of violating this section, the city may terminate the contract by giving written notice of the termination to the person or business. The contract shall be null and void upon delivery of such notice.
- (f) *Enforcement.* This section shall be enforced by the police and by other authorized and sworn city personnel.
- (g) *Publication of names.* The court may publish the names of persons or businesses convicted of a violation of this Code section.

Section 130-11. Household hazardous materials.

(a) *Prohibited conduct.*

- (1) No household hazardous materials shall be disposed in municipal solid waste.
- (2) No person shall deposit or discard on any public or private property any type or kind of household hazardous material within the city.
- (3) *Specifically prohibited materials.* Specific household hazardous materials which are prohibited from disposal as municipal solid waste include but are not limited to the following materials:
 - a. *Automotive.* Specific automotive materials considered household hazardous materials which are prohibited from disposal as municipal solid waste include but are not limited to antifreeze; batteries and battery fluids; gasoline, motor oil and other petroleum products; solvents; and transmission fluid.
 - b. *Cleaners.* Specific cleaners considered household hazardous materials which are prohibited from disposal as municipal solid waste include but are not limited to bleach; disinfectants; drain openers; mold and mildew stain removers; oven cleaners; toilet bowl cleaners; and tub and tile cleaners.
 - c. *Hobby products.* Specific hobby products considered household hazardous materials which are prohibited from disposal as municipal solid waste include but are not limited to chemistry sets; artists' paint; photography chemicals; and picric acid.
 - d. *Home maintenance.* Specific home maintenance materials considered household hazardous materials which are prohibited from disposal as municipal solid waste include but are not limited to metal polishes; latex paint; solvent-based paint; paint strippers; paint thinners; and wood polishes and waxes.
 - e. *Pesticides.* Materials and substances used for the control of pests, vermin and rodents are considered household hazardous materials that are prohibited from disposal as municipal solid waste.

- f. *Lawn care products.* Herbicides, insecticides, fungicides and fertilizers containing pesticides are considered household hazardous materials that are prohibited from disposal as municipal solid waste.
 - g. *Miscellaneous home products.* Other specific materials considered household hazardous materials that are prohibited from disposal as municipal solid waste include but are not limited to aerosol air fresheners; any explosives; fluorescent lamps; freon; household batteries; kerosene; pool chemicals; smoke detectors; thermometers; and thermostats.
- (b) *Penalties.* Penalties for any person violating this section shall be as follows:
 - (1) Where the volume of household hazardous material discarded is less than fifteen (15) gallons, a conviction for violation of this section shall subject the violator to penalties as provided below:
 - a. *First offense.* A fine not less than \$100.00 and not more than \$250.00, or confinement in the city jail not to exceed thirty (30) days with a probationary period not to exceed six (6) months, or both.
 - b. *Second offense.* A fine not less than \$250.00 and not more than \$1,000.00, or confinement in the city jail not to exceed sixty (60) days with a probationary period not to exceed six (6) months, or both.
 - c. *Third offense.* A fine of \$1000.00, or imprisonment not to exceed six (6) months with a probationary period not to exceed one (1) year, or both.
 - (2) Where the volume of household hazardous waste discarded is fifteen (15) gallons or greater, a conviction for violation of this section shall subject the violator to the following mandatory penalties:
 - a. *First offense.* A fine not less than \$250.00 and not more than \$1,000.00, or confinement in the city jail not to exceed thirty (30) days with a probationary period not to exceed six (6) months, or both.
 - b. *Second offense.* A fine not less than \$500.00 and not more than \$1,000.00, or confinement in the city jail not to exceed six (6) months with a probationary period not to exceed one (1) year, or both.
 - c. *Third offense.* A fine of \$1000.00, or confinement in the city jail not to exceed six (6) months with a probationary period not to exceed one (1) year, or both.
- (c) *Recovery of costs.* In addition to the other penalties provided in this section, any person, business or commercial entity found in violation of this section shall be liable to the city for the total amount of all costs and expenses incurred by the city in abating a nuisance that is a violation of this section.
- (d) *Businesses and commercial entities.* Any business license issued by the city to any business or person who violates this section or allows any person under its control or authority to violate this section two (2) or more times within any five (5) year period

shall be subject to revocation if the violation occurred in the course of the business for which the license was issued.

- (e) *Businesses with contracts with the City.* In addition to any other penalty imposed under this chapter, if any person or business performing work under any contract with the city is found guilty of violating this section, the city may terminate the contract by giving written notice of the termination to the person or business. The contract shall be null and void upon delivery of such notice.
- (f) *Enforcement.* This section shall be enforced by the police and by other authorized and sworn city personnel.
- (g) *Publication of names.* The court may publish the names of persons or businesses convicted of a violation of this Code section.

Section 130-12—130-35. Reserved.

ARTICLE II. MUNICIPAL COLLECTION AND DISPOSAL SYSTEM

DIVISION 1. GENERALLY

Section 130-36. Removal of yard waste.

- (a) *Generally.* No collection of yard waste shall be made by the department of public works from any resident, business or dwelling where the yard waste is the result of or includes:
 - (1) Business or manufacturing in which the occupant may be engaged;
 - (2) Business or service conducted by others working under contract or agreement with the occupant;
- a. The department of public works will not collect tree trunks, stumps, limbs and trimmings generated by tree surgeons and/or any commercial entity engaged in tree trimming or removal. The removal and proper disposal of any and all such tree trunks, stumps, limbs and trimmings generated by tree surgeons and/or any commercial entity engaged in tree trimming or removal shall be the responsibility of the said commercial entity.
- b. The department of public works will not collect any matter generated by any landscaping development or landscaping maintenance and/or any commercial entity engaged in landscaping development or maintenance. The removal and proper disposal of any and all such matter generated by any landscaping development or landscaping maintenance and/or any commercial entity engaged in landscaping development or maintenance shall be the responsibility of the said commercial entity.

- (3) Yard waste not generated at the dwelling.
- (b) *Curbside yard waste collection.* It shall be mandatory for each occupier of single-family residential property in the city to prepare and place any yard waste intended for removal by city personnel through the City's curbside program, separately and distinguishable from rubbish, trash and garbage, in accordance with the provisions of this article.
- (c) The department of public works may remove yard waste from the premises of residents if such yard waste is prepared for removal in accordance with subsection (d), and is separately placed for removal in accordance with subsection (f).
- (d) *Authorized containers.* Yard waste shall be placed in properly marked separate bags or containers, the adequacy of which for identification of contents and the facilitation of removal by city personnel must be approved by the commissioner. Bags or containers placed for yard waste collection, when full, are not to exceed fifty-five (55) pounds in weight. Reusable containers or receptacles used for the disposal of yard waste may not exceed a volume of thirty-two (32) gallons. Properly marked bags or containers include:
- (1) Bags or containers produced by and for the City of Atlanta to be used for the disposal of yard waste through the City's curbside program; or
 - (2) Bags or containers not produced by or for the City of Atlanta, baring the approved, prepaid sticker produced by and for the City of Atlanta to be used with the disposal of yard waste through the City's curbside program. The prepaid sticker must be affixed to the bag or container in order for the yard waste to be picked up by the collector.
 - (3) The commissioner of public works or his designee shall create a procedure by which prepaid stickers affixed to reusable containers shall be cancelled upon each use.
- (e) *Uncontainerized yard waste.* The department of public works will not be required to collect any uncontainerized yard waste or bulk yard waste including tree branches, tree trunks, and heavy brush and other materials which cannot be containerized. This includes rocks over four (4) inches in diameter, food waste, plastics and synthetic fibers, lumber, any wood or tree limbs over six (6) inches in diameter or four (4) feet in length, human or animal excrement, and soil contaminated with hazardous materials.
- (f) *Placement.* All yard waste intended for removal by the City of Atlanta through its curbside service shall be placed either between the sidewalk and curb or in a place approved by the commissioner or his designee as accessible for removal by city personnel.

- (g) *Collection schedule.* The commissioner of public works or his designee shall establish a schedule for the bi-weekly collection and removal of yard waste from single-family residential dwellings.
- (h) Yard waste shall not be placed at the curbside more than twenty-four (24) hours preceding the scheduled pick-up time or period.
- (i) *Exempted circumstances.* The commissioner is authorized to waive the requirements for preparation of yard waste and to provide collection service for organized community clean-up programs which are coordinated with the department of public works, for events that include but are not limited to the clean-up of massive property destruction resulting from fires and the like, and following natural disasters, such as storms, hurricanes, and tornadoes.
- (j) It shall be unlawful for any person to place yard waste for removal by city personnel that is not prepared, placed and separated as required by this ordinance. It shall be the duty of the commissioner or his designee to notify the property owner or occupant, in writing, to remove all yard waste not prepared and placed as required by this section, at the property owner's or occupant's expense, or to prepare it in accordance with this article. Upon failure of the property owner or occupant to remove or prepare such yard waste within the time set forth in the notice, the property owner or occupant shall be subject to prosecution as provided in sections 130-2 – 130-11 of this Code of Ordinances.
- (k) *Backyard composting.* Residents not placing yard waste for disposal through the curbside collection may use backyard composting provided that the composting:
 - (1) Occurs on the premises where the waste organic matter was generated;
 - (2) Is conducted in accordance with accepted composting practices;
 - (3) Occurs at a solid waste facility operating pursuant to a permit issued by the State of Georgia;
 - (4) Is conducted in accordance with applicable federal, state and local laws and regulations;
 - (5) Does not generate offensive odors or provide a source of food or harborage for vermin and other pests; and
 - (6) Does not create a public or private nuisance.

Section 130-37 Removal of residential garbage from single-family dwellings.

- (a) *Generally.* No collection of garbage or other refuse matter shall be made by the department of public works from any resident where the refuse matter is the result of:
 - (1) Business or manufacturing in which the occupant may be engaged;
 - (2) A lot that has been cleaned for the erection of a building; or
 - (3) Debris that is the result of repairs or rebuilding or any admixture that contains construction and demolition wastes; and

- (4) Yard waste may be set out for separate curbside collection, subject to the provisions of section 130-36 of this code, but shall not be mixed with garbage for disposal.

(b) *Garbage receptacles and containers.*

- (1) *Required.* Any and all garbage generated within or upon any single-family residential premises in the city shall be placed in garbage receptacles or containers supplied by the city or as otherwise authorized by this section, and shall be stored in such containers on the premises where generated until disposed of in accordance with the provisions of this section.
- (2) *Ownership.* Ownership of the receptacles will be retained by the city, and the receptacles shall not be removed from the residence to which they are assigned.
- (3) *Reasonable Care.* All persons shall use reasonable care in the handling of the containers supplied by the City of Atlanta and shall be responsible for the repair or replacement of containers they damage or destroy through their own negligence. The City of Atlanta shall be responsible for ordinary wear and tear. Any residential container provided by the city that becomes lost or stolen shall be replaced by the city and shall be paid for by the owner of the residence to which the container is assigned.
- (4) *Identification.* Where more than one family occupies a dwelling, the garbage receptacles shall be marked so as to indicate the family using the particular garbage receptacle. The receptacle may be identified by putting the dwelling number thereon or the name of the person having control of the disposal of the garbage in the household. When receptacles are so identified, the receptacle may be used only by the person whose name or other identification is shown thereon.
- (5) *General requirements.*
 - a. All garbage containers used in the city shall be non-absorbent, water-tight, durable, easily cleanable, and designed for safe handling. In any case where the provisions of this section permit the storage of garbage in plastic bags, the bags shall have sufficient size and strength to hold the garbage and shall be designed for the containment of solid waste.
 - b. Except when garbage is being placed into or removed from the container, the garbage generator shall keep every garbage container closed or sealed so as to prevent the escape or leakage from the container of any garbage or other solid waste or of any offensive vapors, gases or odors.
 - c. The garbage generator shall not cause or permit any garbage container to be filled in any manner that causes or allows garbage to overflow from the container.
 - d. The garbage generator shall keep the garbage container clean and sanitary, shall treat the garbage container in such manner and to such extent and with such substance as may be necessary to repel and keep away flies and rodents, and shall keep the garbage container odorproof.
 - e. The garbage generator shall not cause or permit garbage to be so compacted or otherwise placed, kept or accumulated in any garbage container in a

manner which does not allow the contents of the garbage container to fall out, by their own weight, upon the container being lifted and turned upside down.

(6) *Extra garbage.* Additional amounts of contained garbage may be set out with the container supplied by the City of Atlanta for collection in accordance with this section. Any extra garbage must be contained in a properly marked bag or container not to exceed a volume of twenty (20) gallons. Properly marked bags or containers include:

- a. Bags or containers produced by and for the City of Atlanta to be used for the disposal of extra garbage through the City's curbside program; or
- b. Bags or containers not produced by or for the City of Atlanta, baring the approved, prepaid sticker produced by and for the City of Atlanta to be used with the disposal of extra garbage through the City's curbside program. The prepaid sticker must be affixed to the bag or container in order for the extra garbage to be picked up by the collector.
- c. The commissioner of public works or his designee shall create a procedure by which prepaid stickers affixed to reusable containers shall be cancelled upon each use.

(7) *Location.* Receptacles provided to residences as provided in subsection (b)(1) and (6) of this section shall be placed in the area between the sidewalk and curb or in an accessible place approved by the commissioner.

- a. No person shall place any garbage container in any place or in any manner such that the container impedes normal vehicular traffic, public transportation, or pedestrian or wheelchair access to public rights-of-way.
- b. Containers shall not be placed at the curbside before 7:00 p.m. on the day preceding the collection day and shall be removed from the curbside before 7:00 p.m. on the collection day.
- c. Exceptions to this subsection may be granted by the commissioner for persons with physical limitations which prevent placement of the garbage receptacles at the curb, provided these persons submit a written request for the collection.
- d. Extra garbage shall not be placed for collection in amounts exceeding five (5) properly marked bags or containers in a linear area not to extend beyond a total of ten (10) feet.

(8) *Time of collection.* The commissioner of Public Works or his designee shall provide a schedule to each residence receiving garbage collection service from the city which shall indicate the days on which collection will be made.

(c) *Back yard collection service.*

(1) *Application.* Within the month of December of each year, citizens may make written application to receive back yard garbage removal service to commence in the first week of the month succeeding that in which application is made.

Individual citizens may arrange for this back yard garbage removal service by making written application to:

Bureau of Solid Waste Services
1540 Northside Drive, N.W.
Atlanta, Georgia 30318

- (2) *Payment.* Any application for back yard garbage removal service shall be accompanied with the payment in conformity with section 130-84(d) which shall cover the cost of such service to be rendered for a one-year period until the following December 30.
- (3) *Exception.* All persons having physical limitations which prevent placement of garbage receptacles at the curb are entitled to receive back yard garbage collection service without charge, provided the following requirements are met:
 - a. *Age only criteria.* Any residence where there are no persons between the ages of 12 and 70 capable of placing garbage at the curbside.
 - b. *Physical condition criteria.* Each person between the ages of 12 and 70 at a residence not capable of placing garbage at the curbside must present a certificate from a physician licensed to practice medicine by the state stating that such person is physically incapable of placing garbage at the curbside.
- (4) *Waiver of fee.* Those persons qualifying under subsection (c)(3) of this section will not be required to pay the fee otherwise required for back yard garbage collection.
- (5) *Recertification.* Annually, all persons qualifying for back yard garbage collection service under subsection (c)(3) of this section must be recertified as to physical condition preventing the placing of garbage at the curbside.
- (d) *Dangerous accumulation prohibited.* No person shall keep or accumulate, or permit to be kept or accumulated, any solid waste in or upon any premises or location in the city owned, leased or rented by such person or in such person's possession or control, in such manner that:
 - (1) Creates a fire hazard dangerous to person or property;
 - (2) Becomes unreasonably offensive or dangerous to the public peace, health or safety;
 - (3) Promotes the propagation, harborage, or attraction of rodents, vermin or pests; or
 - (4) Becomes a public or private nuisance.

Section 130-38. Removal of residential garbage from multi-family dwellings.

- (a) *Generally.* No collection of garbage or other refuse matter shall be made by the department of public works from any premises where the refuse matter is the result of:

- (1) Business or manufacturing in which the occupant may be engaged;
 - (2) A lot that has been cleaned for the erection of a building; or
 - (3) Debris that is the result of repairs or rebuilding or any admixture that contains building material.
 - (4) Yard waste may be set out for separate curbside collection, but shall not be mixed with garbage for disposal.
- (b) *Limitation on multi-family dwellings.* The department of public works shall not be required to collect garbage or other solid waste from multi-family dwellings, including public housing, containing six (6) or more residential units. Exceptions shall be approved and permitted by the commissioner.
- (c) *Garbage receptacles and containers provided by the City of Atlanta.*
- (1) *Required.* Any and all garbage generated within or upon any multi-family residential premises in the city shall be placed in garbage receptacles or containers authorized by this section or those supplied by the city through the curbside collection service of the city, and shall be stored in such containers on the premises where generated until disposed of in accordance with the provisions of this section.
 - (2) *Ownership.* Ownership of any receptacles provided by the City of Atlanta as a part of its municipal solid waste collection will be retained by the city, and the receptacles shall not be removed from the residence to which they are assigned.
 - (3) *Reasonable Care.* All persons shall use reasonable care in the handling of the containers supplied by the City of Atlanta and shall be responsible for the repair or replacement of containers they damage or destroy through their own negligence. The City of Atlanta shall be responsible for ordinary wear and tear. Any residential container provided by the city that becomes lost or stolen shall be replaced by the city and shall be paid for by the owner of the residence to which the container is assigned.
 - (4) *Identification.* Where more than one family occupies a dwelling, any garbage receptacles provided by the city shall be marked so as to indicate the family using the particular garbage receptacle. The receptacle may be identified by putting the dwelling number thereon or the name of the person having control of the disposal of the garbage in the household. When receptacles are so identified, the receptacle may be used only by the person whose name or other identification is shown thereon.
 - (5) *General requirements.*
 - a. All garbage containers used in the city shall be non-absorbent, water-tight, durable, easily cleanable, and designed for safe handling. In any case where the provisions of this section permit the storage of garbage in plastic bags, the bags shall have sufficient size and strength to hold the garbage and shall be designed for the containment of solid waste.
 - b. Except when garbage is being placed into or removed from the container, the garbage generator shall keep every garbage container closed or sealed so as to

prevent the escape or leakage from the container of any garbage or other solid waste or of any offensive vapors, gases or odors.

- c. The garbage generator shall not cause or permit any garbage container to be filled in any manner that causes or allows garbage to overflow from the container.
 - d. The garbage generator shall keep the garbage container clean and sanitary, shall treat the garbage container in such manner and to such extent and with such substance as may be necessary to repel and keep away flies and rodents, and shall keep the garbage container odorproof.
 - e. The garbage generator shall not cause or permit garbage to be so compacted or otherwise placed, kept or accumulated in any garbage container in a manner which does not allow the contents of the garbage container to fall out, by their own weight, upon the container being lifted and turned upside down.
- (6) *Extra garbage.* Additional amounts of contained garbage may be set out with the container supplied by the City of Atlanta for collection in accordance with this section. Extra garbage must be contained in a properly marked bag or container not to exceed a volume of twenty (20) gallons. Properly marked bags or containers include:
- a. Bags or containers produced by and for the City of Atlanta to be used for the disposal of extra garbage through the City's curbside program; or
 - b. Bags or containers not produced by or for the City of Atlanta, baring the approved, prepaid sticker produced by and for the City of Atlanta to be used with the disposal of extra garbage through the City's curbside program. The prepaid sticker must be affixed to the bag or container in order for the extra garbage to be picked up by the collector.
 - c. The commissioner of public works or his designee shall create a procedure by which prepaid stickers affixed to reusable containers shall be cancelled upon each use.
- (7) *Location.* Receptacles provided to residences as provided in subsection (b) of this section shall be placed in the area between the sidewalk and curb or in an accessible place approved by the commissioner.
- a. No person shall place any garbage container in any place or in any manner such that the container impedes normal vehicular traffic, public transportation, or pedestrian or wheelchair access to public rights-of-way.
 - b. Containers shall not be placed at the curbside before 7:00 p.m. on the day preceding the collection day and shall be removed from the curbside before 7:00 p.m. on the collection day.
 - c. Exceptions to this subsection may be granted by the commissioner for persons with physical limitations which prevent placement of the garbage receptacles at the curb, provided these persons submit a written request for the collection.

- (8) *Time of collection.* The commissioner of Public Works or his designee shall provide a schedule to each residence receiving garbage collection service from the city that shall indicate the days on which collection will be made.
- (d) *Containers provided by private solid waste contractors for use at apartment houses, townhouses, condominiums and public housing.*
- (1) The owners of any multi-family dwelling, including public housing, condominiums and townhouses consisting of six (6) or more living units, shall furnish commercial containers in sufficient number to adequately contain the garbage and refuse disposal at the location. The type, size, number and location of these commercial containers required shall be subject to the approval of the commissioner, but in no instance shall a container be less than a four-yard commercial container.
 - (2) The owners of any multi-family dwelling, including public housing, condominiums and townhouses consisting of six (6) or more living units, shall further furnish commercial containers, in a sufficient number according to the provisions of subsection (3) b of this section, for the collection of recyclables, including, at a minimum, the materials the city collects as part of its curbside recycling program, which materials include glass, plastics, newspapers, aluminum cans, and to provide for their collection. The type, size, number and location of these commercial containers required shall be according to the provisions of Table in subsection (d)(3)b of this section. Owners subject to this subsection shall have until August 1, 2003 to comply with its requirements, after which time the enforcement provisions of subsections (e) and (f). All recycling programs that are fully funded by the owner or management company will not be subject to any additional fees by the city. Additionally, all recyclable materials are subject to the resale market; any materials subject to recycling will be exempt from the program if a resale market does not exist.
 - (3) All multi-family complexes, which are permitted after July 1, 2003, shall be required to set aside space for recycling containers and dumpsters used for the collection of solid waste as follows:
 - a. *Solid waste containers.* At a minimum, space for a container with a volume of eight (8) cubic yards per each thirty (30) units or a compactor with a volume of eight (8) cubic yards per each ninety (90) units.
 - b. *Recycling containers.* Space for recycling containers shall be allocated as provided in Table 1 below:

Table 1. Minimum required space allocation for recycling containers in multi-family residences.

Number of Units	Allocate space for:	Approximate square footage required
6-50	One recycling station	63 sq. ft.
51-100	Two recycling stations	2 x 63 sq. ft. (126 sq. ft. total)
101-150	Three recycling stations	3 x 63 sq. ft. (189 sq. ft. total)

151-200	Four recycling stations	4 x 63 sq. ft. (252 sq. ft. total)
201-250	Five recycling stations	5 x 63 sq. ft. (315 sq. ft. total)
251-300	Six recycling stations	6 x 63 sq. ft. (378 sq. ft. total)
301-350	Seven recycling stations	7 x 63 sq. ft. (441 sq. ft. total)
351-400	Eight recycling stations	8 x 63 sq. ft. (504 sq. ft. total)
For each subsequent group of fifty (50) residential units, space for one recycling station must be added.		
Each recycling station represents space for three 96-gallon carts and is approximately 63 sq. ft.		
Space for recycling stations may be distributed throughout the complex, however, space for each individual Station must equal 63 sq. ft. with a minimum width of 36 inches and accommodate three 96-gallon carts.		

(4) *General requirements for solid waste disposal containers provided by privately operated solid waste contractors.* All garbage containers used and maintained in the city shall be non-absorbent, water-tight, durable, easily cleanable, and designed for safe handling. In any case where the provisions of this section permit the storage of garbage in plastic bags, the bags shall have sufficient size and strength to hold the garbage and shall be designed for the containment of solid waste.

(5) *Maintenance of containers used at apartment houses.*

- a. It shall be the responsibility of the owner of any multi-family dwelling, including public housing management, to maintain all garbage and trash containers serving the owner's property in a clean and sanitary manner. All garbage and trash containers serving the owner's property must be kept free of obnoxious odors, maggots, insects and rodents or any other conditions which may render them unhealthy to the occupants of the apartments or to the neighborhood or to the surrounding community.
- b. It shall further be the responsibility of the apartment house owner, including public housing management, to see that all containers serving the owner's property are kept in good repair at all times and that the doors and lids of the containers be properly closed when not in use. Except when garbage is being placed into or removed from the container, the garbage generator shall keep every garbage container closed or sealed so as to prevent the escape or leakage from the container of any garbage or other solid waste or of any offensive vapors, gases or odors.
- c. The garbage generator shall not cause or permit any garbage container to be filled in any manner which causes or allows garbage to overflow from the container. It shall further be the responsibility of the apartment house owner, including public housing management, to see that the area surrounding all containers serving the owner's property is kept free of garbage and trash.
- d. Any dumpster, recycling containers, solid waste handling areas and any such accessory use or structure located on the premises of any multi-family residential premises shall be screened on three sides by planting materials, a fence or wall of a height not less than six (6) feet tall and not more than eight (8) feet, from the public view of any public right-of-way and any abutting properties.

- (e) *Plans of apartment houses to show locations of containers.* Plans and specifications for the construction of all multi-family dwelling permitted after July 1, 2003 shall be required to set aside space for solid waste containers and recycling containers used for the collection of solid waste. Any applicant for a non-residential building permit shall submit plans to the Director of the Bureau of Solid Waste Services or his designee, providing the locations of all space designated for solid waste containers. The approval of the commissioner shall be a condition precedent to the issuance of a building permit by the director of the Bureau of Buildings.
- (1) The location of any space for each of these containers must be indicated on any submitted plans even if containers are not proposed as the primary method of solid waste collection.
 - (2) As a condition for the approval of any building permit for any new multi-family dwelling, all plans submitted by the applicant to the Director of the Bureau of Solid Waste Services must demonstrate that the space allocated for any proposed development shall be of a size necessary to locate and service a sufficient volume of containers to contain any solid waste generated on the premises, subject to the provisions of subsection (d)(3)b of this section.
 - (3) The location of any solid waste container or recycling container cannot in any way impede normal vehicular traffic, public transportation, or pedestrian or wheelchair access to public rights-of-way.
- (f) *Enforcement.* If the owner of any multi-family dwelling, including an owner of public housing, condominiums and townhouses consisting of six (6) or more living units, is found in violation of any of the provisions of this section, it shall be the duty of the commissioner to give notice to the owner to abate the violation within a stated period of time not to exceed seven (7) days.
- (g) *Penalties.* Upon failure of the owner to abate the violation within the time set forth in the violation notice, the owner shall be given notice by personal service or certified return receipt requested mail to appear before the judge of the municipal court to determine whether or not a violation exists and should be abated.
- (1) If the municipal court were to find that violations exist and after an order to abate has been issued there has been a failure or refusal to abate the violation, the person ordered to abate shall be subject to punishment for contempt; and
 - (2) In addition to any other penalties, if the person is convicted of the offense, the person shall be subjected to a fine of not more than \$500.00 and probation for a term not exceeding 180 days, with a minimum period of confinement in the city jail for ten (10) days;
 - (3) Each day's failure or refusal to comply with the order, after expiration of the time allowed in which to remove or abate the nuisance, shall constitute a separate offense.
- (h) *Removal of tenant property.* Owners or agents of the owner shall be responsible for items removed from real properties rented or leased to others.

- (1) Owners or agents of the owner are required to make arrangements to secure and shelter all items removed from any real property rented or leased to others.
- (2) Fees levied for the removal of such items placed in residential yards, rights-of-way, or adjacent commercial structures shall be the responsibility of the owner or authorized agent.

Section 130-39. Containers and receptacles left on streets.

- (a) *Prohibited.* Containers and receptacles containing garbage or other refuse shall not be left for collection upon any street, sidewalk, avenue or other public place, except as specifically provided in section 130-36, 130-37 or 130-38.
- (b) *Enforcement.* It shall be the duty of the commissioner to enforce this section.

Section 130-40. Removal of bulky items, bulk yard waste and rubbish.

- (a) *Generally.* No collection of bulky items, bulk yard waste and rubbish shall be made by the department of public works from any resident, business or dwelling where the bulky items, bulk yard waste or rubbish is the result of or includes:
 - (1) Business or manufacturing in which the occupant may be engaged;
 - (2) A lot that has been cleaned for the erection of a building; or
 - (3) Debris that is the result of repairs or rebuilding or any admixture that contains and construction and demolition waste.
 - (4) Debris or items that have been removed from any real property rented or leased to others by any owner or the agent of any owner.
- (b) It shall be mandatory for each occupier of residential property in the city to prepare and place any bulky items, bulk yard wastes or rubbish for removal by city personnel in accordance with the provisions of this article.
- (c) The commissioner of public works or his designee may determine items eligible for pickup under the City of Atlanta's program for collection of bulky items, bulk yard waste and rubbish. The Bureau of Solid Waste Services may decline to accept such items that contain hazardous wastes or other materials not defined here.
- (d) *Quarterly collection schedules.* Scheduled bulk item, bulk yard waste and rubbish pickup will occur quarterly during the third week of each designated month. Regular pickup will be scheduled according to the location of the substation serving each area. The schedule for regular bulk item, bulk yard waste and rubbish pickup will be as follows:
 - (1) Residents serviced by Substation 1 will receive regular bulk item, bulk yard waste and rubbish pickup in the months of January, April, July and October.

- (2) Residents serviced by Substation 2 will receive regular bulk item, bulk yard waste and rubbish pickup in the months of February, May, August and November.
 - (3) Residents serviced by Substation 3 will receive regular bulk item, bulk yard waste and rubbish pickup in the months of March, June, September and December.
- (e) *Special pickup.* The Director of the Bureau of Solid Waste Services or his designee will establish a procedure by which residents may contact the department of public works to request the special pickup and removal of bulky items, bulk yard wastes and rubbish in addition to the regularly scheduled quarterly pickup.
- (1) Upon receiving an appointment for pickup of bulky items, bulk yard wastes and rubbish, the commissioner of public works or his designee shall provide a non-binding estimate for the collection and removal of bulky items, bulk yard wastes and rubbish.
 - (2) The charges for the special pickup and removal of bulky items, bulk yard waste and rubbish shall be determined as provided in section 130-81 of this Code of Ordinances.
- (f) Bulky items, bulk yard waste and rubbish shall not be placed at the curbside more than twenty-four (24) hours preceding the appointed pick-up period.
- (g) It shall be unlawful for any person to place bulky items, bulk yard wastes and/or rubbish for removal by city personnel which are not prepared, placed and separated as required by this ordinance.
- (1) It shall be the duty of the commissioner or his designee to notify the property owner or occupant, in writing, to remove all bulky items, bulk yard waste and/or rubbish not prepared and placed as required by this section, at the property owner's or occupant's expense, or to prepare them in accordance with this article.
 - (2) Upon failure of the property owner or occupant to remove or prepare such bulky items, bulk yard waste and/or rubbish within the time set forth in the notice, the property owner or occupant shall be subject to prosecution as provided in sections 130-2--130-10 of this Code of Ordinances.

Section 130-41. Cardboard containers and similar articles.

Pasteboard boxes, cardboard boxes or other similar containers desired to be collected shall be prepared for disposal in the following manner:

- (1) Cardboard boxes, cardboard boxes or other similar containers shall be flattened, cut if necessary and tied in bundles not exceeding fifty (50) pounds and having no dimension exceeding thirty-six (36) inches;
- (2) The bundles shall be stacked in a manner that would permit convenient removal and placed in a location designated by the commissioner;
- (3) Garbage, bits of paper and other debris shall not be placed in such containers or bundles.

Section 130-42. Night garbage collection.

- (a) *Authority.* Whenever the commissioner shall decide that the best interest of the public will be served by collection of garbage or refuse from certain areas in the city at night, the commissioner shall order the department of public works to make those collections.
- (b) *Notice.* The commissioner at the same time shall notify the occupants of all places of business within the designated area to place their refuse bags and bundles on the margin of the sidewalks between the hours of 5:00 p.m. and 7:30 p.m. each day or in an assigned area and according to a time schedule as determined necessary by the commissioner. All persons so notified shall comply with the order of the commissioner and shall place the bags and bundles as designated within these hours.

Section 130-43. Removal of commercial and industrial solid waste.

- (a) *Permit for collection by the city.* No collection of garbage or other refuse matter shall be made by the City of Atlanta through its curbside collection program from any commercial or industrial premises without a special permit from the Director of the Bureau of Solid Waste Services. All garbage to be collected by the city from commercial and industrial service units shall be contained and placed according to any provisions provided by the special permit issued by the Director of the Bureau of Solid Waste Services.
- (b) *Dangerous accumulation prohibited.* No person shall keep or accumulate, or permit to be kept or accumulated, any solid waste in or upon any commercial or industrial premises or location within the city owned, leased or rented by such person or in such person's possession or control, in such manner that:
 - (1) Creates a fire hazard dangerous to person or property;
 - (2) Becomes unreasonably offensive or dangerous to the public peace, health or safety;
 - (3) Promotes the propagation, harborage, or attraction of rodents, vermin or pests; or
 - (4) Becomes a public or private nuisance.
- (c) *Private collection required.* The owner or agent of the owner of any commercial and industrial premises shall contract with a private contractor for the collection, transportation and disposal of all solid waste generated upon the premises.
- (d) *Acceptable containers.* Garbage to be collected by private garbage collection firms operating under a permit granted by the City of Atlanta shall be placed in plastic or other impervious containers subject to the following requirements:

General requirements.

- a. All garbage containers used in the city shall be non-absorbent, water-tight, durable, easily cleanable, and designed for safe handling. In any case where the provisions of this section permit the storage of garbage in plastic bags, the bags shall have sufficient size and strength to hold the garbage and shall be designed for the containment of solid waste.
- b. Except when garbage is being placed into or removed from the container, the garbage generator shall keep every garbage container closed or sealed so as to prevent the escape or leakage from the container of any garbage or other solid waste or of any offensive vapors, gases or odors.
- c. The garbage generator shall not cause or permit any garbage container to be filled in any manner which causes or allows garbage to overflow from the container.
- d. The garbage generator shall keep the garbage container clean and sanitary, shall treat the garbage container in such manner and to such extent and with such substance as may be necessary to repel and keep away flies and rodents, and shall keep the garbage container odorproof.
- e. The garbage generator shall not cause or permit garbage to be so compacted or otherwise placed, kept or accumulated in any garbage container in a manner which does not allow the contents of the garbage container to fall out, by their own weight, upon the container being lifted and turned upside down.

Maintenance of containers used at commercial and industrial premises.

- a. It shall be the responsibility of the owner of any commercial or industrial premises, to maintain all garbage and trash containers serving the owner's property in a clean and healthful manner, free of obnoxious odors, maggots, insects and rodents or any other conditions which may render them unhealthy to those upon the premises or to the surrounding community.
- b. It shall further be the responsibility of the owner of any commercial or industrial premises, to see that all containers serving the owner's property are kept in good repair at all times and that the doors and lids of the containers be properly closed when not in use.
- c. It shall further be the responsibility of the owner of any commercial or industrial premises, to see that the area surrounding all containers serving the owner's property is kept free of garbage and trash.
- d. Any dumpster, recycling containers, solid waste handling areas and any such accessory use or structure located on the premises of any commercial or industrial premises shall be screened on three sides by planting materials, a fence or wall of a height not less than six (6) feet tall and not more than eight (8) feet, from the public view of any public right-of-way and any abutting properties.

Number of receptacles. Stores, restaurants, hotels, warehouses, institutions, manufacturing and processing plants, and all other commercial and residential premises within the limits of the city shall provide a sufficient number of

containers, rooms or refrigerators to contain any accumulation of solid waste generated on the property.

Location of containers. All new commercial or industrial construction permitted after July 1, 2003 shall be required to set aside space for solid waste containers and recycling containers used for the collection of solid waste. Any applicant for a non-residential building permit shall submit plans to the Director of the Bureau of Solid Waste Services or his designee, providing the locations of all space designated for solid waste containers.

- (1) The location of any space for each of these containers must be indicated on any submitted plans even if containers are not proposed as the primary method of solid waste collection.
- (2) As a condition for the approval of any commercial or industrial building permit, all plans submitted by the applicant must demonstrate that the space allocated for any proposed development shall be of a size necessary to locate and service a sufficient volume of containers to contain any solid waste generated on the premises.

Section 130-44. Removal of solid waste from show grounds, concerts and outdoor festivals.

The owner of any lot in the city which has been used for a show ground, a circus, concert, outdoor festival or other exhibition shall, within twenty-four (24) hours after the show, circus, concert, outdoor festival or other exhibition shall have closed, clear and remove from the lot all solid waste, to the satisfaction of the commissioner of Public Works or his designee.

Section 130-45. Removal of construction and demolition wastes.

- (a) *Specifically prohibited.* It is specifically prohibited to dispose of any construction and demolition waste through the municipal curbside collection system.
- (b) *Removal and disposal.* The producer of construction and demolition waste shall be responsible for the proper removal and legal disposal of all construction and demolition waste.

Section 130-46. Removal of household hazardous materials.

- (a) *Generally.* No person or business shall dispose of any household hazardous waste through the municipal curbside collection system, or co-mingle household hazardous materials with garbage placed for collection by the city through the municipal curbside collection program.
- (b) The generator of household hazardous waste shall be responsible for the proper removal and disposal of all household hazardous materials.

- (c) *Special pickup.* The commissioner of public works or his designee will establish a procedure by which residents may contact the department of public works to request the pickup and removal of containing or contaminated by household hazardous wastes.
- (d) *Special pickup and processing fees.* The commissioner of public works or his designee shall establish fees and charges to be assessed with the special pickup of household hazardous materials.
- (e) *City disposal events.* The commissioner of public works or his designee shall establish and publicize neighborhood cleanup and beautification events, and drop-off events that will allow City of Atlanta residents with proper proof of residency to properly dispose or discard household hazardous wastes and other hazardous materials prohibited from disposal through the municipal curbside collection program.

Section 130-47—130-50. Reserved.

DIVISION 2. SOLID WASTE COLLECTION OR TRANSPORTATION

Section 130-51. Collection and transportation of residential garbage and other solid waste.

- (a) *Single-family residential garbage.* No person shall engage in the business of collecting, transporting, delivering or disposing of single-family residential garbage and other solid waste generated by another person within the City of Atlanta without first obtaining a permit to do so, unless considered a self-hauler according to the provisions of this chapter.
- (b) *Multi-family residential garbage.*
 - (1) No person shall engage in the business of collecting, transporting, delivering or disposing of multi-family residential garbage and other solid waste generated upon any multi-family premises containing less than six (6) residential units, or other multi-family residential premises permitted by the city for service by the city's curbside collection service, without first obtaining a permit to do so, unless considered a self-hauler according to the provisions of this chapter.
 - (2) The owner or agent of the owner of any multi-family dwellings containing six (6) or more residential units shall contract with a private contractor, permitted according to the provisions of section 130-52 (a), for the collection, transportation and disposal of all solid waste generated upon the premises, unless an exception has been permitted by the commissioner for service by the city's curbside collection program.

- (3) All vehicles and equipment used by any private contractor for the collection and transportation of solid waste from any multi-family residential premises shall be operated and maintained according to the provisions of section 130-52 (b), (c) and (d).

Section 130-52. Collection and transportation of commercial and non-residential solid waste.

- (a) *Permit required.* No person shall engage in the collection or transportation of multi-family residential and non-residential solid waste without having applied for permission therefor and received the approval of the commissioner, in the form of a written permit. Every person or business obtaining permission shall conform to the rules of the department of public works and the provisions of this article. Upon violation of the rules, the permit shall be revoked by the commissioner.
- (b) *Vehicles and equipment.* Vehicles and equipment used by any private contractor for solid waste collection and disposal within the City of Atlanta shall be maintained to prevent a sanitary nuisance or safety hazard according to but not limited to the following provisions:
- (1) Vehicles and equipment shall be frequently washed thoroughly with suitable disinfectant and deodorant, and all vehicles shall be washed on the outside weekly.
 - (2) Any waste collection vehicles used by a private contractor for solid waste collection and disposal within the city shall not be allowed to stand unattended on a public or private street. The equipment shall be operated so as to minimize interference with vehicular or pedestrian traffic.
 - (3) Collection shall be made and the equipment operated and maintained in a manner so as to prevent the dropping or scattering of solid or liquid wastes anywhere except in a lawful solid waste management or disposal site. All waste spilled or scattered from vehicles or equipment shall be immediately picked up or collected by the operator of the vehicle or equipment. Collection vehicles used by any private contractor within the city shall consist of trucks with leak-resistant packer or enclosed bodies and dumpsters shall be covered and leak-resistant, all in good repair.
 - (4) All vehicles used for solid waste collection by a private contractor within the city shall be operated and maintained in such condition that the vehicle does not exceed a noise level, during stationary compaction, where it is plainly audible at a distance of one-hundred (100) or more feet from the vehicle.
 - (5) All vehicles used for non-residential solid waste collection shall be prominently marked with the name of the business and vehicle number on driver and passenger sides. The vehicle number shall also be marked on the front and rear of the vehicle.
- (c) *Collection times.* Collection of non-residential solid waste shall be scheduled by agreement between the private contractor and the commercial or industrial customer,

subject to any rules of the Bureau of Solid Waste Services and section 74-137 (b)(4) of the City of Atlanta code of ordinances.

- (d) *Provision of service.* Every private contractor may provide collection services to any customer who requests the services of the private contractor and agrees to the terms and conditions of the service agreement between the private contractor and the customer. Any private contractor may refuse service to any customer for failure to pay a just bill or for any substantial refusal to comply with any rules of the Bureau of Solid Waste Services applicable to the customer.

Section 130-53—130-58. Reserved.

DIVISION 3. SOLID WASTE PROCESSING AND DISPOSAL FACILITIES

Section 130-59. Statement of policy.

The City of Atlanta, in exercising the powers granted to it by the State of Georgia, reserves the right to define, regulate, and prohibit any act, practice, conduct, or use of property which is detrimental, or likely to be detrimental, to the health, sanitation, cleanliness, welfare, and safety of the inhabitants of the city and to provide for the enforcement of such standards. Furthermore, it is the right of the city to regulate or restrict through permits, fees, codes, review boards, or otherwise the construction, use, and maintenance of real or personal property and the emission and disposal thereon or therefrom of any substance that tends to pollute land, water, or air. Therefore, it the purpose of this division to provide in part the regulation necessary to achieve these policy objectives.

Section 130-60. Permit for use.

Any business shall be allowed to dispose of solid waste at one of the disposal facilities or transfer stations operated by the city, provided the person:

- (1) Applies for a permit to dispose of solid waste at one of the disposal facilities or transfer stations;
- (2) Meets the standards established by the commissioner;
- (3) Is issued a permit; and
- (4) Pays the fee established by the city.

Section 130-61. Use without permit.

Any person who is a resident of the city shall be allowed to dispose of solid waste, generated upon the residential property of the person, at any disposal facilities or transfer stations operated by the city, without permit, subject to the charges established by the City of Atlanta and any restriction set forth in this article.

Section 130-62. Hazardous material disposal.

- (a) No person shall make final disposal or disposition of any hazardous material within the limits of the city.
- (b) No person shall operate or maintain any hazardous material disposal facility within the limits of the city.
- (c) Any person or business found to be in violation of this section shall be subject to the following penalties:
 - (1) A fine of \$1,000.00 and period of imprisonment in the city jail not to exceed six (6) months, and a probationary period not to exceed one (1) year.
 - (2) In addition to the enforcement processes and penalties provided, any condition caused or permitted to exist in violation of any of the provisions of this ordinance is a threat to public health, safety, welfare, and environment and is declared and deemed a nuisance, and may be abated by injunctive or other equitable relief as provided by law.
 - (3) *Recovery of costs.* In addition to the other penalties provided in this section, any person found in violation of this section shall be liable to the city for up to three (3) times the amount of all costs and expenses incurred by the city in abating a nuisance.
 - (4) *Remedies not exclusive.* The remedies listed in this section are not exclusive of any other remedies available under any applicable Federal, State or local law and the City of Atlanta may seek cumulative remedies.

Section 130-63. Privately operated sanitary landfills.

- (a) *Permit required.* Any person desiring to establish and operate a sanitary landfill within the limits of the city must first obtain an annual Sanitary Landfill Operating Permit from the Director of the Bureau of Solid Waste Services, with the approval of the City Council.
 - (1) The permit shall be renewable annually and must be obtained prior to the issuance of a business license. An annual permitting fee of \$6,500.00, for the purpose of ensuring that a landfill meets the applicable rules as set forth in this section and as set forth by federal and state authorities.
 - (2) Inspections of landfills shall be performed quarterly at a minimum and additionally as determined necessary by the Director of the Bureau of Solid Waste Services.
- (b) *Permitted locations.* Within the limits of the City of Atlanta, sanitary landfills are permitted only in areas with a Zoning Classification of I-1 or I-2, subject to the development standards listed below. The establishment and operation of any landfill must comply with any and all standards and provisions provided by the

Environmental Protection Division of the State of Georgia. Prior to the issuance of any Sanitary Landfill Operating Permit as required in subsection (a) of this section, all applications must first receive approval from the Commissioner of the Department of Planning and Community Development.

- (1) *Proposed Land Use and Mitigation Plan.* Prior to the issuance of a Sanitary Landfill Operating Permit, there must be a Proposed Land Use and Mitigation Plan (hereinafter referred to as “the plan”) submitted to the Commissioner of the Department of Planning and Community Development that specifies the anticipated future use of the property upon the cessation or termination of garbage disposal activities, which anticipated use must not be inconsistent with Comprehensive Development Plan as adopted by the City Council.
 - a. The plan must include provisions for the property owner to create a reserve fund, to be held by the property owner, to finance the initial capital expenses of mitigation and establishing the anticipated future use of the property.
 - b. The plan shall include estimates of the amount of such capital expenses, based upon the present costs of such capital expenses and a presumed annual inflationary rate of five (5%) percent, and a timetable showing the expected life of the landfill.
 1. The Commissioner of the Department of Planning and Community Development and the Director of the Bureau of Solid Waste Services, must determine that the cost estimates presented by the applicant are reasonable estimates of the present cost of any proposed capital expenses.
 2. The applicant must estimate present capital expenses in an amount no less than \$1,000.00 times the number of acres in the proposed landfill site.
- (2) For each property, the Proposed Land Use and Mitigation Plan shall include a Site Compatibility Report containing information including but not limited to the following:
 - a. A description, survey, ownership and present zoning of the land involved.
 - b. An engineering plan prepared by a professional engineer registered in the State of Georgia, which shall contain:
 1. *Operation plan.* An operation plan shall provide written instructions for the daily operation of the facility. The plan shall be revised when operational procedures change and such revisions shall be filed with the Director of the Bureau of Solid Waste Services no less than thirty (30) days before taking effect. The plan shall include detailed procedures where applicable:
 - i. Identification of persons responsible for operation and maintenance of the facility, including ownership of facility and corporate structure;

- ii. Contingency operations, alternate waste handling and disposal methods in case of emergency such as a natural disaster or equipment failure;
 - iii. Methods for controlling the type of waste received at the site. The report shall specify inspection procedures, number and location of spotters if applicable, and procedures to be followed in prohibited wastes are discovered;
 - iv. Weighing incoming waste;
 - v. Vehicle traffic control and unloading;
 - vi. Method and sequence of filling waste;
 - vii. Waste compaction and application of cover;
 - viii. Operations of gas, leachate, and storm water controls;
 - ix. Groundwater monitoring.
- 2. The availability of and equipment for use of a water supply.
 - 3. The type and capacity of equipment to be used.
 - 4. Plans for fire, nuisance, water pollution, odor and vermin control.
 - 5. A diagram and written description of the locations and extent of dikes, earthwork and fill operations.
 - 6. A hydrological survey.
- c. Such other information as the Director of the Bureau of Solid Waste Services may reasonably require including but not limited to the business address of the applicant.
 - d. A processing fee of \$200.00 shall accompany the report of each applicant.
 - e. Proof of financial ability to perform under the terms and conditions of the proposed permit.
- (3) *Generally.* Any applicant for a Sanitary Landfill Operating Permit shall demonstrate compliance with the following site limitation provisions:
- a. *Operations Impact Buffer Zone.* An Operations Impact Buffer Zone (hereinafter referred to as the impact buffer) shall be maintained upon the premises to minimize the impact of landfilling operations on surrounding neighborhoods and communities.
 - 1. Office uses must be a minimum of one-hundred (100) feet from any abutting property line.
 - 2. All other activities on the landfill site must be located a minimum of 250 feet from any abutting real property lines and a minimum of 500 feet from the real property line of either any existing residence, or any residence under construction at the time landfilling operations begin anywhere on the landfill site.
 - 3. Roads for access to the site may cross the impact buffer so long as roads are located a minimum of 100 feet from the real property line of either any

- existing residence, or any residence under construction at the time landfilling operations begin anywhere on the landfill site.
4. Monitoring wells may be located within the impact buffer, so long as monitoring wells are located a minimum of 250 feet from the real property line of either any existing residence, or any residence under construction at the time landfilling operations begin anywhere on the landfill site.
- b. *Greenway Buffer.* A Greenway Buffer must be provided between the sanitary landfill and any abutting real property line or public street right-of-way. Existing trees and vegetation must be maintained and preserved within 100 feet of any abutting real property lines and any public street right-of-way. Where the natural growth within 100 feet of the abutting real property line or public right-of-way does not effectively screen the landfill site from the view from abutting properties or right-of-way, then screening must be provided.
- c. *Vehicular access.* All applicants for a Sanitary Landfill Operating Permit must demonstrate compliance with the following traffic and vehicular access provisions:
1. Vehicular access to the facility must be paved and may be provided from any street that is not a residential local or residential collector street. Any access point to the facility must be a minimum of 500 feet from the real property line of any residential property.
 2. A metal fence and gate must be constructed at the entrance to the facility and must be closed and locked when the landfill is not in operation. The entrance to the facility must have an operator or attendant in attendance at all times when the facility is in use.
 3. All driveways which serve the site must be wide enough to accommodate two-way traffic at all times and an area on the site must be provided to accommodate vehicles entering the site so that no traffic waiting to enter the site will be backed up on any public right-of-way.
 4. Vehicular access to the facility must be of a nature sufficient enough so as to ensure that the normal flow traffic on any street or public right-of-way will not be obstructed or impacted by vehicles entering and exiting the facility.
- d. *Fences.* All sanitary landfills shall be enclosed with a fence not less than eight (8) feet tall and no more than ten (10) feet tall, with openings therein not less than those in two-inch mesh wire or some other similar fencing material or device, which shall first be approved by the director of the Bureau of Solid Waste Services and the Commissioner of the Department of Planning and Neighborhood Development. The fencing shall be adequate to prevent paper and similar or related refuse or waste from blowing from the landfill onto neighboring or nearby property.

- (c) *Host Fee Reserve Fund.* There is established the Host Fee Reserve Fund (hereinafter referred to as “the fund”). This fund shall be administered by the chief financial officer and the Director of the Bureau of Solid Waste Services.
- (1) The owner must place funds in a reserve fund annually, in amounts equal to (a) the estimate of the present costs of the capital expenses increased by the presumed annual inflationary rate of five (5%) percent, divided by (b) the number of years the landfill is anticipated to be open.
 - (2) The first such annual payment into the fund must be made by the property owner prior to commencement of landfill operations, and evidence of such payment in the form of a notarized statement by the property owner, must be presented to the Director of the Bureau of Solid Waste Services prior to the commencement of landfill operations.
 - (3) On or before each subsequent anniversary date of such notarized statement, the property owner must make the required annual payment into the reserve fund and present to the Director of the Bureau of Solid Waste Services a notarized statement from the property owner showing that the payment has been made for the next year of operations of the sanitary landfill, and showing the total amount held in the reserve fund. In addition, if the property owner prepares annual financial statements, a copy of the annual financial statement, showing the amount held in the reserve fund, must be sent annually to the Director of the Bureau of Solid Waste Services and the chief financial officer during each year the landfill is in operation.
 - (4) In the event that the landfill and disposal operations at the site cease prior to the estimated number of years of operation as shown on the submitted timetable, prior to ceasing operations, the property owner must pay all remaining amounts into the fund and present to the Director of the Bureau of Solid Waste Services and the chief financial officer a notarized statement showing that such payment has been made and showing the total amount in the fund.
 - (5) With the cessation of landfill and disposal operations at any sanitary landfill permitted under this section, and following the final deposit of all mandatory funds, the entire balance of the Host Fee Reserve Fund shall be assigned to the City of Atlanta for the express purpose of financing all expenses associated with the mitigation and establishment of any future use of the property.
- (d) *Authority of the director; revocation of permits.* All other phases of the operation of a sanitary landfill not specifically mentioned in this section shall be subject to the approval of the director.
- (1) Any and all permits to establish and maintain sanitary landfills granted under this section shall be subject to revocation in the discretion of the director, with the approval of the mayor.
 - (2) With the cessation of landfill and disposal operations at any sanitary landfill due to the revocation of any Sanitary Landfill Operating Permit, the operator of the facility shall be subject to the provisions of subsection (c)(4) and (5) of this section.

Section 130-64. Privately operated solid waste transfer stations and processing facilities.

- (a) A solid waste transfer station is a facility which receives and temporarily stores solid waste as defined by this ordinance at a location other than the generation site, and which facilitates the transfer of accumulated solid waste to another facility for further processing or disposal. This term does not include recycling centers nor portable storage containers used for the collection of municipal waste.
- (b) *Permit required.* Any person desiring to establish and operate a solid waste transfer station or processing facility within the limits of the city must first obtain an annual Solid Waste Transfer Station Operating Permit from the Director of the Bureau of Solid Waste Services, with the approval of the City Council.
 - (1) The permit shall be renewable annually and must be obtained prior to the issuance of a business license. An annual permitting fee of \$6,500.00, for the purpose of ensuring that a transfer station or processing facility meets the applicable rules as set forth in this section and as set forth by federal and state authorities.
 - (2) Inspections of solid waste transfer stations and processing facilities shall be performed quarterly at a minimum and additionally as determined necessary by the Director of the Bureau of Solid Waste Services or his designee.
- (c) *Permitted locations.* Within the limits of the City of Atlanta, solid waste transfer stations and processing facilities are permitted only in areas with a Zoning Classification of I-1 or I-2, subject to the development standards listed below. The establishment and operation of any transfer station or processing facility must comply with any and all standards and provisions provided by the Environmental Protection Division of the State of Georgia. Prior to the issuance of any Solid Waste Transfer Station Operating Permit (hereinafter referred to as "the permit") as required in subsection (a) of this section, all applications must first receive approval from the Commissioner of the Department of Planning and Community Development.
 - (1) For each property, a Site Compatibility Report shall accompany each permit application. The Site Compatibility Report shall contain information including but not limited to the following:
 - a. A description, survey, ownership and present zoning of the land involved.
 - b. An engineering plan prepared by a professional engineer registered in the State of Georgia, which shall contain:
 - 1. *Operation plan.* An operation plan shall provide written instructions for the daily operation of the facility. The plan shall be revised when operational procedures change and such revisions shall be filed with the Director of the Bureau of Solid Waste Services no less than thirty (30)

days before taking effect. The plan shall include detailed procedures where applicable:

- i. Identification of persons responsible for operation and maintenance of the facility, including ownership of facility and corporate structure;
 - ii. Contingency operations, alternate waste handling and disposal methods in case of emergency such as a natural disaster or equipment failure;
 - iii. Methods for controlling the type of waste received at the site. The report shall specify inspection procedures, number and location of spotters if applicable, and procedures to be followed in prohibited wastes are discovered;
 - iv. Weighing incoming waste;
 - v. Vehicle traffic control and unloading;
 - vi. Vehicle traffic control and loading;
 - vii. Operations of odor controls;
 - viii. Operations of storm water controls;
 - ix. Groundwater and wastewater discharge monitoring
2. The availability of and equipment for use of a water supply.
 3. The type and capacity of equipment to be used.
 4. Plans for fire, nuisance, water pollution, odor and vermin control.
 5. A diagram and written description of any supplemental or accessory transportation operations.
 6. A hydrological survey.
- c. Such other information as the Director of the Bureau of Solid Waste Services may reasonably require including but not limited to the business address of the applicant.
 - d. A processing fee of \$200.00 shall accompany the report of each applicant.
 - e. Proof of financial ability to perform under the terms and conditions of the proposed permit.

(2) *Generally.* Any applicant for a Solid Waste Transfer Station Operating Permit shall demonstrate compliance with the following site limitation provisions:

- a. All on-site processing and transferring of solid waste will be conducted entirely within an enclosed building or buildings.
 1. An enclosed building for these purposes is one in which the walls, doors and roof are made of solid materials but may contain windows and skylights.
 2. Doors to any building shall remain closed except to temporarily allow transport vehicles to enter and exit the building.

3. All solid waste transfer stations and processing facilities shall have an operator in attendance at all times when the facility is in operation.
- b. *Operations Impact Buffer Zone.* An Operations Impact Buffer Zone (hereinafter referred to as the impact buffer) shall be maintained upon the premises to minimize the impact of transfer and processing operations on surrounding neighborhoods and communities.
1. All other activities of a solid waste transfer station or processing facility must be located a minimum of 100 feet from any abutting real property lines and a minimum of 250 feet from the real property line of either any existing residence, or any residence under construction at the time transfer or processing operations begin anywhere on the site.
 2. Roads for access and passage upon or within the site may cross the impact buffer so long as any roads are located a minimum of 100 feet from the real property line of either any existing residence, or any residence under construction at the time transfer or processing operations begin anywhere on the site.
 3. Rail lines and railways may upon or within the site may cross the impact buffer so long as any rail lines and railways upon or within the site are located a minimum of 100 feet from the real property line of either any existing residence, or any residence under construction at the time transfer or processing operations begin anywhere on the site.
- c. *Greenway Buffer.* A Greenway Buffer must be provided between solid waste transfer station or processing facility and any abutting real property line or public street right-of-way. Existing trees and vegetation must be maintained and preserved within fifty (50) feet of any abutting real property lines and any public street right-of-way. Where the natural growth within fifty (50) feet of the abutting real property line or public right-of-way does not effectively screen the site from the view from abutting properties or right-of-way, then screening must be provided.
- d. *Vehicular access.* All applicants for a Solid Waste Transfer Station Operating Permit must demonstrate compliance with the following traffic and vehicular access provisions:
1. Vehicular access to the facility must be paved and may be provided from any street that is not a residential local or residential collector street. Any access point to the facility must be a minimum of 250 feet from the real property line of any residential property.
 2. A metal fence and gate must be constructed at the entrance to the facility and must be closed and locked when the facility is not in operation. The entrance to the facility must have an operator or attendant in attendance at all times when the facility is in use.
 3. All driveways which serve the site must be wide enough to accommodate two-way traffic at all times and an area on the site must be provided to

accommodate vehicles entering the site so that no traffic waiting to enter the site will be backed up on any public right-of-way.

4. Vehicular access to the facility must be of a nature sufficient enough so as to ensure that the normal flow traffic on any street or public right-of-way will not be obstructed or impacted by vehicles entering and exiting the facility.

- e. *Fences.* All solid waste transfer stations or processing facilities shall be enclosed with a fence not less than eight (8) feet tall and no more than ten (10) feet tall, with openings therein not less than those in two-inch mesh wire or some other similar fencing material or device, which shall first be approved by the director of the Bureau of Solid Waste Services and the Commissioner of the Department of Planning and Neighborhood Development. The fencing shall be adequate to prevent paper and similar or related refuse or waste from blowing from the facility onto neighboring or nearby property.
- f. Solid waste transfer stations and processing facilities must be served by public water and sewer facilities.
- g. When solid waste transfer stations are adjoining any residential zoning district, the facility may not be operated on Sunday or earlier than 7:00 a.m. or later than 6:00 p.m. on any other day.

- (d) *Authority of the director; revocation of permits.* All other phases of the operation of a solid waste transfer station or processing facility not specifically mentioned in this section shall be subject to the approval of the director. Any and all permits to establish and maintain solid waste transfer stations or processing facilities granted under this section shall be subject to revocation in the discretion of the director, with the approval of the mayor.

Section 130-65. Environmental damage insurance policy.

- (a) *Required for private landfill facilities and transfer stations.* The Director of the Bureau of Solid Waste Services shall require, as a pre-condition of an annual operating permit required under sections 130-63 and 130-64 of this code, all solid waste sanitary landfill facilities and all solid waste transfer stations or processing facilities which are not operated by governmental agencies to obtain and maintain in force an environmental damage insurance policy, a security bond, a self-insurance certificate or a trust fund certificate in the amount of \$1,000,000.00.
- (b) *Indemnification.* The owners of solid waste sanitary landfill facilities, solid waste transfer stations or processing facilities shall indemnify the city against all claims of damages and responsibilities for cleanup due to environmental degradation of the air, land, surface water and groundwater within the jurisdiction of the city caused by the facility during the period which such owner owned the solid waste landfill, solid waste transfer station or processing facilities.

- (c) *Proof of insurance.* The owner of a solid waste transfer station or processing facility shall show proof of insurance, self-insurance, a trust fund certificate or a security bond before the owner is issued the annual operating permit by the city.
- (d) *Conflict with federal or state requirements.* The requirement for obtaining and maintaining in force an environmental damage insurance policy, a security bond, a trust fund certificate or a self-insurance certificate shall not be construed as usurping the financial requirements established by the United States Environmental Protection Agency or the state environmental protection division for closure and postclosure care of the facilities.

Sections 130-66—130-75. Reserved.

DIVISION 4. RATES AND CHARGES

Section 130-76. Annual review.

All fees and charges levied in conjunction with the delivery of services by the City of Atlanta through its Solid Waste Management system shall be reviewed and adjusted annually by the commissioner of the Bureau of Solid Waste Services subject to the approval of the City Council.

Section 130-77. Increase in solid waste fee or system benefit charge.

The Solid Waste Fee, the Residential System Benefit Charge or the Non-Residential System Benefit Charge established in this division shall not be increased in any year by more than twenty (20%) percent of the charges for the preceding year without approval by the city council.

Section 130-78. System Benefit Charge.

Section 130-79. Residential solid waste collection and removal fees.

The residential solid waste collection and removal fees shall include fees for the collection of garbage and fees for recycling as provided through the curbside collection program of the City of Atlanta.

- (1) *Garbage collection fees.* The following rates and charges are hereby established for garbage collection and removal from residential properties through the curbside collection program for the City of Atlanta:

- a. *Single-family residential rate.* All single-family residential properties within the city shall be charged an annual fee of \$000.00 for the collection and removal of garbage through the city curbside collection program.
 - b. *Duplex, triplex rate, condominium or townhouse.* Each part or dwelling unit of a condominium project, duplex, triplex, townhouse or apartment building which has been approved by the director of the Bureau of Solid Waste Services for separate or individual solid waste collection service shall be charged an annual fee of \$000.00 per container for the collection and removal of garbage through the city curbside collection program.
 - c. *Extra garbage.* The following rates and charges are hereby established for containers or prepaid stickers provided for the collection and removal of extra garbage through the city curbside collection program:
 1. *Extra garbage bags.* A fee of \$0.00 per bag will be charged for each bag produced by and for the City of Atlanta for the purpose of disposing of extra garbage.
 2. *Prepaid stickers.* A fee of \$0.00 will be charged for each prepaid sticker produced by and for the City of Atlanta for the purpose of identifying containers containing extra garbage for pickup by the City's curbside service.
- (2) *Fees for recycling.* An annual fee of \$30.00 per year is established for the collection and removal of source separated recyclable materials for each single-family residence, and for each unit of a duplex, triplex, townhouse or condominium project which has been approved by the director of the Bureau of Solid Waste Services for separate or individual solid waste collection service.

Section 130-80. Residential yard waste collection and removal charges.

The following rates and charges are hereby established for containers or prepaid stickers provided for the collection and removal of yard waste through the city curbside collection program:

- (1) *Yard waste bags.* A fee of \$0.00 per bag will be charged for each bag produced by and for the City of Atlanta for the purpose of disposing of yard waste.
- (2) *Prepaid stickers.* A fee of \$0.00 will be charged for each prepaid sticker produced by and for the City of Atlanta for the purpose of identifying containers containing yard waste for pickup by the City's curbside service.

Section 130-81. Residential bulky items, bulk yard waste and rubbish removal rates and charges.

- (a) *Bulky items.* Owners or occupants will be assessed a fee of \$00.00 per item for the special pickup and removal of any bulky items not requiring special handling in disposal.

- (b) *Special disposal.* Owners or occupants will be assessed a fee of \$00.00 per item for the pickup and removal items requiring special handling in disposal. This includes but is not limited to bulky items commonly known as white goods and brown goods, and those bulky items containing chlorofluorocarbons (hereafter referred to as CFCs) or other hazardous materials which must be removed and properly handled by the City. This fee shall be in addition to any other fees assessed for special pickup and removal of bulky items, bulk yard wastes and rubbish.
- (c) *Bulk yard wastes and rubbish.* Owners or occupants setting out bulk yard wastes and/or rubbish for collection and removal by the City will be charged at the rate of \$00.00 per cubic yard for such waste. The charges for bulk yard wastes and rubbish will be assessed per one-quarter (1/4) cubic yard.

Section 130-82. Residential solid waste program disposal fee.

- (a) *Solid waste disposal fee.* All single-family residential properties, as well as each part or dwelling unit of a condominium project, duplex, triplex, townhouse or apartment building which has been approved by the director of the Bureau of Solid Waste Services for separate or individual solid waste collection service within the city shall be charged an annual fee \$00.00 for the disposal of solid waste generated and collected through the city curbside collection program.
- (b) *Solid waste disposal fund.* All funds received by the city from the solid waste program disposal fee shall be placed in a special fund. Such funds shall be used solely by the city to defray the cost of final disposal of solid waste by the city through its curbside collection program.

Section 130-83. Junked automobile removal charge.

- (a) *Established.* Any owner of a junked automobile removed by the city shall be charged and assessed a fee for the removal of the automobile.
- (b) *Determination of amounts.* The charge established in subsection (a) of this section shall be determined annually by the commissioner based on the current cost of removal of junked automobiles. The charge for removal of automobiles shall be filed with the municipal clerk by the commissioner not later than two weeks following adoption of the annual budget and shall be made effective January 1 of each year.

Section 130-84. Billing and collection.

- (a) *System Benefit Charge.* The assessment and collection of System Benefit Charges as set forth in this division shall be made by the city.
 - (1) The assessment and collection of annual charges shall be made monthly with the first installment due and payable on July 1, 2003. Each year following, the first installment shall be due and payable on January 1.

- (2) The first installment annually shall be based on charges established for the previous year.
 - (3) If the charges are revised as provided for in this division, the remaining installments will be revised to reflect the revised annual rate.
 - (4) The monthly assessment and collection of the system benefit charge shall be included as a part of the monthly Environmental Services Bill.
- (b) *Residential solid waste collection and removal fees.* The assessment and collection of residential solid waste collection and removal fees as set forth in this division shall be made by the city.
- (1) The assessment and collection of annual fees shall be made monthly with the first installment due and payable on July 1, 2003. Each year following, the first installment shall be due and payable on January 1.
 - (2) The first installment annually shall be based on charges established for the previous year.
 - (3) If the fees are revised as provided for in this division, the remaining installments will be revised to reflect the revised annual rate.
 - (4) The monthly assessment and collection of the residential solid waste collection and removal fees shall be included as a part of the monthly Environmental Services Bill.
- (c) *Extra garbage collection rates, fees and charges.* The assessment and collection of fees and charges for extra garbage collection as set forth in this division shall be made by the city. The City shall maintain an adequate supply of and shall make available to residents throughout the City, containers produced by and for the City of Atlanta for the purpose of disposing of extra garbage and/or prepaid stickers produced by and for the City of Atlanta for the purpose of marking containers containing extra garbage for disposal by the City.
- (1) The assessment of these charges for the removal of extra garbage shall be made with the purchase of containers produced by and for the City of Atlanta for the purpose of disposing of extra garbage or the purchase of prepaid stickers produced by and for the City of Atlanta for the purpose of marking containers or receptacles containing extra garbage for disposal by the City.
 - (2) Payment shall be due and payable at the time of purchase of containers produced by and for the City of Atlanta for the purpose of disposing of extra garbage or the purchase of prepaid stickers produced by and for the City of Atlanta for the purpose of marking containers containing extra garbage for disposal by the City.
 - (3) Any such charges will be in addition to the customer's regular residential solid waste collection and removal service charges.
- (d) *Yard waste collection rates, fees and charges.* The assessment and collection of yard waste fees and charges as set forth in this division shall be made by the city. The City shall maintain an adequate supply of and shall make available to residents throughout the City, containers produced by and for the City of Atlanta for the purpose of

disposing of yard waste and/or prepaid stickers produced by and for the City of Atlanta for the purpose of marking containers containing yard waste for disposal by the City.

- (1) The assessment of these charges for the removal of yard waste shall be made with the purchase of containers produced by and for the City of Atlanta for the purpose of disposing of yard waste or the purchase of prepaid stickers produced by and for the City of Atlanta for the purpose of marking containers or receptacles containing yard waste for disposal by the City.
- (2) Payment shall be due and payable at the time of purchase of containers produced by and for the City of Atlanta for the purpose of disposing of yard waste or the purchase of prepaid stickers produced by and for the City of Atlanta for the purpose of marking containers containing yard waste for disposal by the City.
- (3) Any such charges will be in addition to the customer's regular residential solid waste collection and removal service charges.

(e) *Residential solid waste system disposal fee.* The assessment and collection of residential solid waste system disposal fees as set forth in this division shall be made by the city.

- (1) The assessment and collection of annual fees shall be made monthly with the first installment due and payable on July 1, 2003. Each year following, the first installment shall be due and payable on January 1.
- (2) The first installment annually shall be based on charges established for the previous year.
- (3) If the fees are revised as provided for in this division, the remaining installments will be revised to reflect the revised annual rate.

(f) *Bulky items, bulk yard wastes and rubbish collection and removal rates and charges.* The assessment and collection of bulky items, bulk yard wastes and rubbish charges as set forth in this division shall be made by the city.

- (1) The assessment of these charges for the pickup or special pickup and removal of these bulky items, bulk yard wastes and/or rubbish shall be made upon removal by the city.
- (2) Any such charges will be in addition to the customer's regular residential solid waste collection and removal service charges, and shall be included with the first monthly Environmental Services Bill following the assessment.
- (3) Upon removal of bulky items, bulk yard wastes and rubbish, the department of public works shall provide to the customer a receipt providing details of the service provided. The receipt will include, but is not limited to the following:

1. Location;
2. Name of resident;
3. Phone number of resident;
4. Date of collection;

5. Scheduled time of collection;
6. Time of collection;
7. Description and quantity of bulky items collected;
8. Description and quantity of bulk yard wastes and rubbish collected, including the following:

_____length x _____width x _____height = _____ ft³ x \$10.00

9. Billing date;
10. Other conditions or information deemed necessary by the commissioner of public works or his designee to ensure compliance with this article or other applicable ordinances, laws, or regulations.

(g) *Junked automobile removal charge.* The assessment and collection of junked automobile removal charges as set forth in this division shall be made by the city. The assessment of these charges for the removal of these automobiles shall be made when the automobile is removed by the city. Any such charges will be in addition to the customer's regular residential solid waste collection and removal service charges, and shall be included with the first monthly Environmental Services Bill following the assessment.

Section 130-85—130-99. Reserved.

SECTION 2: The provisions of this ordinance shall take effect on July 1, 2003, and on and after this date, the provisions of this ordinance shall govern solid waste management practices within the City of Atlanta.

SECTION 3: That all ordinances or parts of ordinances in conflict herewith are hereby repealed.

**AN ORDINANCE
BY COUNCILMEMBER CLAIR MULLER**

02-R-2087

**AN ORDINANCE TO AMEND ARTICLE II, SECTION
130 OF THE CITY OF ATLANTA CODE OF
ORDINANCES TO PROVIDE FOR A MORE
EFFICIENT, EQUITABLE, AND FISCALLY
RESPONSIBLE MEANS OF PROVIDING SOLID
WASTE SERVICES; AND FOR OTHER PURPOSES.**

WHEREAS, it is the goal of the City of Atlanta to continue to promote the safety, health, peace, and general welfare of the city and its inhabitants; and

WHEREAS, the current solid waste billing and collection program falls short of fully attaining these goals; and

WHEREAS, the current billing procedures are not an equitable means of collecting revenue from its customers; and

WHEREAS, the current billing procedures do not fully recover the costs of the services provided by the City through its Solid Waste services program; and

WHEREAS, the current program provides no incentive for residents to reduce the volume of solid waste they produce; and

WHEREAS, the City of Atlanta would like to provide the opportunity to reduce the cost for solid waste disposal to the property owner:

NOW THEREFORE BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA as follows:

SECTION 1: Section 130 shall be amended.

SECTION 5: That all ordinances or parts of ordinances in conflict herewith are hereby repealed.

EB